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2000

URBAN  
MUNICIPAL

AGENDAS/MINUTES  
PLANNING AND DEVELOPMENT  
COMMITTEE

JAN. 12, 2000 ...









## **AGENDA**

### **CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday January 12, 2000  
7:00 p.m.**

**Room 233, Hamilton City Hall  
71 Main Street West, Hamilton**

**Tina Agnello  
Legislative Assistant**

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#### **CALL TO ORDER**

- 1. DECLARATIONS OF INTEREST**
- 2. DISCUSSION AGENDA**
  - 2.1 St. Mark's Church – New Use**
- 3. ADJOURNMENT**

**URBAN MUNICIPAL**

**JAN 11 2000**

**GOVERNMENT DOCUMENTS**







# CITY OF HAMILTON

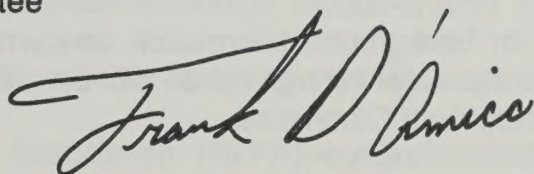
## - RECOMMENDATION -

**DATE:** 1999 December 23

**TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Alderman Frank D'Amico, chair  
St. Mark's Review Committee

**SUBJECT:** St. Mark's Church—New Use



### RECOMMENDATION:

- A. That the Planning and Development Committee direct the staff of the Community Planning and Development Division to proceed immediately with a City Initiative to rezone the lands at 130 Bay Street South from "E-3" (High Density Multiple Dwellings) District to "A" (Conservation Open Space, Part and Recreation, etc) District, modified, to reflect the proposed land use, as a condition of sale;
- B. That any sale of the property be subject to the finalization of the rezoning as identified in Recommendation "A" above;
- C. That staff in Real Estate and Legal Services be directed to enter into negotiations with the Charismatic Episcopal Church of Canada (Church of the Deliverer ) for the purposes of entering into an agreement of purchase and sale for the cost of \$350,000.;
- D. That the sale of the St. Mark's property be subject to the following conditions:
  - a Heritage Conservation Easement be signed in favour of the City of Hamilton on the church building and on the open space;
  - the City be granted the right of first refusal;
  - the owner of St. Mark's guarantee public access to the grounds of St. Mark's; and,
  - a letter of intent be signed with the new owners agreeing to complete the renovations within two years from the date of purchase.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by The Planning Act, Council shall hold at least one Public Meeting to consider a Zoning By-law Amendment;

In 1994, the City paid a purchase price of \$425,000; today the City would receive \$350,000 for the sale of St. Mark's property which will be down-zoned to the proposed use of the property as a church. In addition, the City would no longer carry the operating costs of providing minimal maintenance of the building as well as maintaining the grounds.

Further background information concerning the financial implications of various options such as sale versus lease will be distributed at the meeting of the Planning and Development Committee.

**BACKGROUND**

In 1994, in order to retain green open space in the Hunter-Bay area which was under threat of redevelopment, the City of Hamilton approved an Agreement of Sale for the St. Mark's Church on July 28; simultaneously Council approved an Intent to Designate the property under the Ontario Heritage Act.

Search for a new use began in January 1996 when a public meeting was called to invite proposed uses for St. Mark's. Considerable interest was expressed by numerous non-profit groups, none of which were in the position to renovate the property.

In 1996, "A Condition Assessment Report" was prepared for the City by restoration architect Alan Seymour and structural engineer Alan Zeegan. Costs for opening the building for public use were estimated at around \$315,000.

In subsequent years, no capital funding was approved in the ten-year budget to renovate St. Mark's. At the same time, over twenty different groups have expressed interest in St. Mark's for a wide variety of uses, including Community Centre; Arts and Cultural Centre; several different Theatres; and numerous other uses which would be of public benefit.

The difficulty with all these proposals was that there was no funding available to get the building up and running.

LACAC, the Hamilton Historical Board, and CAPIC had all endorsed the preservation of the building and urged Council to find a new use for the building.

In June 1998, Council gave direction to undertake a Request for Proposals. The RFP open June 12, 1999, and closed July 9, 1999.



## **ANALYSIS OF PROPOSALS**

### **Proponents**

The proposals under consideration at this time are the four which were prepared in answer to the City's Request for Proposals for St. Mark's and submitted before the deadline on July 9, 1999 (see Appendix "A"):

1. the former St. George's Congregation--church and related programs;
2. the Charismatic Episcopal Church of Canada/Restoration House-church and outreach programs;
3. the Canadian Metis Women's Circle--centre, offices, and programs for members, healing gardens;
4. the Native Indian/Inuit Photographers Association (NIIPA)--culture/exhibition centre, performance space, events, holistic medicine, tea-house (please note that this group has indicated they will not be actively competing at this point due to lack of available funding).

### **Criteria**

It was stated in the Request for Proposals that the City would give preference to proposals which will:

- require little or no funding by the City or generate revenue;
- preserve the historic building;
- maintain and provide public access to the grounds;
- be compatible with the surrounding residential neighbourhood;
- be protected by a Heritage Conservation Easement with the City, if sold.

### **Proponents Response to Criteria**

All four proponents are not-for-profit groups and all four have agreed to preserve the historic building and maintain and provide public access to the grounds. The one proponent who offered to purchase the property agreed to a Heritage Conservation Easement on building and grounds.

In most cases, funding for the restoration of the church was dependent on raising money through public programs or private donations, once the group was awarded use of the building. Only the CEC submission has indicated they have the funding available to purchase the building and to begin restoration; CEC has submitted a financial plan indicating how and when the subsequent steps will be financed. (Attached, Appendix "B")

### **Lease or Sale**

The St. Mark's Review Committee have discussed the relative advantages and disadvantages of leasing or selling the building. Committee members have expressed strong reservations about continued fiscal responsibility for the maintenance and restoration of the St. Mark's property, particularly in the event when a lessee may not have



sufficient funding to complete renovations, or once completed, to maintain the building. The lease to purchase is seen as a situation that would benefit the purchaser far more than the City, as the purchaser retains the option to buy or lease.

### **Neighbourhood Compatibility Issue**

All four of the proposals, falling under the category of a church or community centre, meet the zoning requirements. A place of worship may locate in any zoning district in the City.

In the five months since the deadline for proposals, however, there has been a growing concern about the understanding of what is "compatible". A church or a community centre may be recognized as a "compatible use" but representatives of Durand Neighbourhood have expressed a strong concern in respect to the CEC proposal about any increase of social service ("therapeutic") functions in the neighbourhood, whether connected to a church or not; and whether the people seeking counseling could cause any harm to the neighbourhood residents or not. Representatives of Central School have questioned whether there would be an adverse impact on the school.

Restoration House, an outreach program of the CEC, is a program for victims of child abuse. The proponents indicate that they have identified a niche (older youth and young to middle-aged adults) where their assistance would improve services in the Hamilton area. The proposal provides some office space upstairs in the Parish Hall for a small staff to provide support and counseling. It will not provide overnight accommodations.

### **Surplus Status**

Staff in Real Estate/Legal Services are in the process of taking the appropriate steps to circulate the subject property for the purpose of declaring St. Mark's Church surplus to the requirements of The Corporation of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No.95-049.

The Real Estate Division has recognized that the Request for Proposals advertised in the Hamilton Spectator on June 12, 1999, has fulfilled the requirement of public notice of the proposed sale in accordance with the Real Property Sales Procedural By-law.

### **Conclusion**

The investigation into a new use for St. Mark's for the last five years has shown a repeated pattern. Many excellent uses have been suggested informally or formally through this most recent Request for Proposal process. The problem is always finding the money to renovate the building so that it can be functional. (A condition study in 1996 estimated about \$315,000. cost.)

Given the lack of City funding, only one submission in this five-year period--the Charismatic Episcopal Church and Restoration House--has indicated that they have the



financial resources to carry the project with a purchase price of \$350,000. and restoration costs estimated at \$315,000 or more.

In respect to the concerns expressed about the Restoration House, Father Watters has offered to work with the neighbourhood either formally with residents and professionals on the Board of Directors or informally with interested neighbours.

To ensure that the open space and church is preserved, the City intends to re-zone the property to remove the high-rise density currently on the property.

If the City proceeds to sell St. Mark's property, the following conditions would be required to protect the public interest::

- the property be re-zoned for the proposed use;
- a Heritage Conservation Easement be signed for both building and grounds;
- the Right of First Refusal be agreed to, if the owners decide to sell ;
- an agreement to complete the project within the first two years of ownership be included in a letter of understanding.



## ST. MARK'S CHURCH—NEW USE

### APPENDIX "A" CHRONOLOGY

#### 1994

- July 26 City Council approves the "Intent to Designate" recommendation, by-law approved Feb. 1995
- July 28 City signs an Option to Purchase agreement for St. Mark's Property scheduled to close September 30, 1994;

#### 1996-

- Jan.10 The City has encouraged interested parties to submit proposals for re-use of St. Mark's, beginning with a public meeting in 1996. At least 20 different groups, almost entirely non-profit, have investigated the possibility of re-using St. Mark's. The cost of renovations(estimated at \$315,000.) has proven to be the deterrent for these groups, without any funding assistance from the City.

#### 1998

- July 7 City Council directed staff to undertake a formal Request for Proposals. Council also authorised repairs to the roof caused a severe wind storm, completed Jan. 1999.

#### 1999

- June 12 Request for Proposals advertised in the Hamilton Spectator inviting submissions from both private and public sectors. The RFP stated that the City would give preference to proposals that require little or no municipal funding.
- July 9 RFP closed. Six proposals were submitted, all from the not-for-profit sector. Subsequently, one applicant withdrew its proposal. In accordance with the provisions of the RFP, no late submissions could be accepted for consideration.
- July 22 St. Mark's Review Committee met and scheduled a date for interviews.
- Aug. 17 St. Mark's Committee interviewed all four applicants. The same day a letter was sent to the four proponents asking for more documentation on their financial plans and letters of commitment from potential donors.
- Aug. 31: St. Mark's Review Committee met; agreed on informal meeting with neighbours re: CEC proposal because of concerns expressed by representatives of the Durand Neighbourhood Association;



- Sept.14 St. Mark's Review Committee meeting A number of concerns were raised and forwarded to the Ward Aldermen dated Sept. 17, 1999;
- Sept.29 Report by staff following a site visit to the Gate House, in Etobicoke and other inquiries, which attempted to address the submitted questions as far as possible.
- Oct. 26 Planning & Development Committee considered the St. Mark's Review Committee's Information Report. Three of the proponents made presentation. Representatives from the Durand Neighbourhood spoke against approving the CEC/Restoration House proposal. P&D committee concluded that they did not have sufficient financial information and requested financial plans from proponents. It was recommended that the chairman appoint additional P&D representatives to sit on the committee. (Ald. Caplan, Eisenberger, Haining)
- Nov. 8 Meeting of St. Mark's Review Committee with staff. Agreed to establish a Public Meeting.
- Nov.11 Receipt of CEC/Restoration House Financial Plan
- Dec.3 Meeting of St. Mark's Review Committee: established a Public Meeting date for Dec. 13, 1999; and discussed the merits of lease vs. sale.
- Dec.13 Public Meeting held by the Ward Alderman for the purpose of discussing the proposals for the new use of St. Mark's. It was concluded that the City would initiate a re-zoning to remove the high density zoning currently placed on the site by an O.M.B. decision.







CAY ON HBL AOS  
C51P4  
2000

Urban Municipal Collection  
2nd Floor  
Hamilton Public Library

# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday January 19, 2000

9:30 a.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

URBAN MUNICIPAL

JAN 18 2000

GOVERNMENT DOCUMENTS

Tina Agnello  
Legislative Assistant

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### CALL TO ORDER

#### 1. DECLARATIONS OF INTEREST

#### 2. ADOPTION OF MINUTES

- 2.1 Minutes of the Special Meeting Held December 3, 1999
- 2.2 Minutes of the Regular Meeting Held December 8, 1999
- 2.3 Minutes of the Special Meeting Held December 14, 1999

#### 3. PUBLIC MEETINGS

9:30 A.M.

- 3.1 ZAC-99-26 for 844 Upper Wentworth Street (PDC99068)
- 3.2 ZAC-99-38 for 164 Rymal Road West (PDC00004)

#### 4. CONSENT ITEMS

- 4.1 Condominium Conversion, 23-25 Macauley Street West (PDC00001)
- 4.2 Authorization for Staff attendance at an OMB hearing- 83 Rosemont Avenue (PDC00002)
- 4.3 Revision to By-law 99-103 for lands on the South Side of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive (PDC00003)

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- 4.4** Demolition of 901 Scenic Drive – (PDC00005)
- 4.5** Demolition of 1328 Fennell Avenue East – (PDC00006)
- 4.6** Demolition of 84 Kennedy Avenue – (PDC00007)
- 4.7** Core Heritage 2000 Program, 84 James Street North (HSB00001)
- 4.8** Core Heritage 2000 Program, 47 James Street South (HSB00002)
- 4.9** Gore Heritage 2000 Program, 7 – 9 King Street East (HSB00003)
- 4.10** Concession Street BIA Proposed Budget and Schedule of Payment for 2000 (PWT00004)
- 4.11** Main Street West BIA Proposed Budget and Schedule of Payment for 2000 (PWT00005)
- 4.12** Information Items (previously distributed)

**5. REFERRAL FROM COUNCIL**

Correspondence from the Hamilton Homebuilders' Association re: Planning Department Staff Attrition for the Year 2000

**6. DISCUSSION ITEM**

Appointment of a Chief Building Official (PDC00023)

**7. OTHER BUSINESS**

**8. ADJOURNMENT**







**The Planning and Development Committee met in Special Session.**

**There were present:** Alderman F. D'Amico, Chairperson  
Aldermen G. Copps  
Alderman F. Eisenberger  
Alderman M. Haining  
Alderman M. Caplan  
Alderman R. Corsini  
Alderman B. Kelly

**Regrets:** Mayor R. Morrow, Civic Business  
Alderman M. Haining, Civic Business  
Alderman B. Charters, Civic Business

**Also present:** D. A. Lychak, City Manager  
Alderman A. Horwath  
L. Coveyduck, General Manager, Community Planning and  
Development Division  
Guy Paparella, Planning and Development  
Paul Mallard, Community Planning and Development  
Nina Chapple, Community Planning and Development  
Bill Janssen, Community Planning and Development  
Paul Mason, Community Planning and Development  
Nick Catalano, Economic Development  
Tina Agnello, Secretary

**1. SPECIAL PRESENTATION**

**Joe Berridge, "Reinvesting in Cities- What the Competition is Doing".**

Mr. Berridge of Urban Strategies was present to give an audiovisual presentation to the Committee regarding a comparative analysis of Canada, United States and the United Kingdom and economic incentives to development in their urban centres.

The Chairperson thanked Mr. Berridge for attending.

(Attached hereto is a copy of Mr. Berridge's presentation)

**3. ADJOURNMENT**

There being no further business the Committee meeting adjourned.

Taken as read and approved.

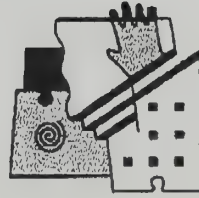
Alderman F. D'Amico, Chairman  
Planning and Development Committee

Tina Agnello  
Secretary



# INVESTING IN OUR CITIES

## WHAT THE COMPETITION IS DOING



URBAN STRATEGIES INC.





# THE CANADIAN URBAN UNIVERSE



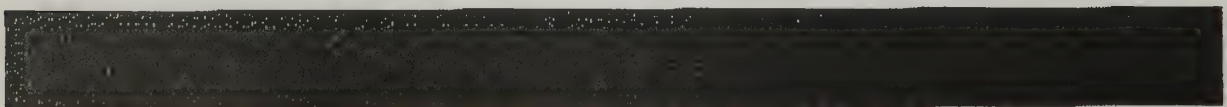
URBAN STRATEGIES INC.



# THE NORTH AMERICAN URBAN UNIVERSE



URBAN STRATEGIES INC.





# METROPOLITAN POPULATIONS, 1996

Metropolitan Area	1996 Population	Annual Growth
New York-Northern New Jersey-Long Island	19,938,492	64,807
Los Angeles-Riverside-Orange County	15,495,155	160,604
<b>Toronto-Hamilton-Niagara-Buffalo-Rochester</b>	<b>8,601,803</b>	<b>99,717</b>
Chicago-Gary-Kenosha	8,599,774	59,992
Washington-Baltimore	7,164,519	73,021
San Francisco-Oakland-San Jose	6,605,428	59,258
Philadelphia-Wilmington-Atlantic City	5,973,463	13,407
Detroit-Windsor	5,566,331	19,515
Boston-Worcester-Lawrence	5,563,475	18,012
Seattle-Vancouver	5,399,088	109,613
Dallas-Fort Worth	4,574,561	89,547
Houston-Galveston-Brazoria	4,253,428	87,067
Atlanta	3,541,230	96,955
Miami-Fort Lauderdale	3,514,403	53,613
Montreal	3,346,227	22,876

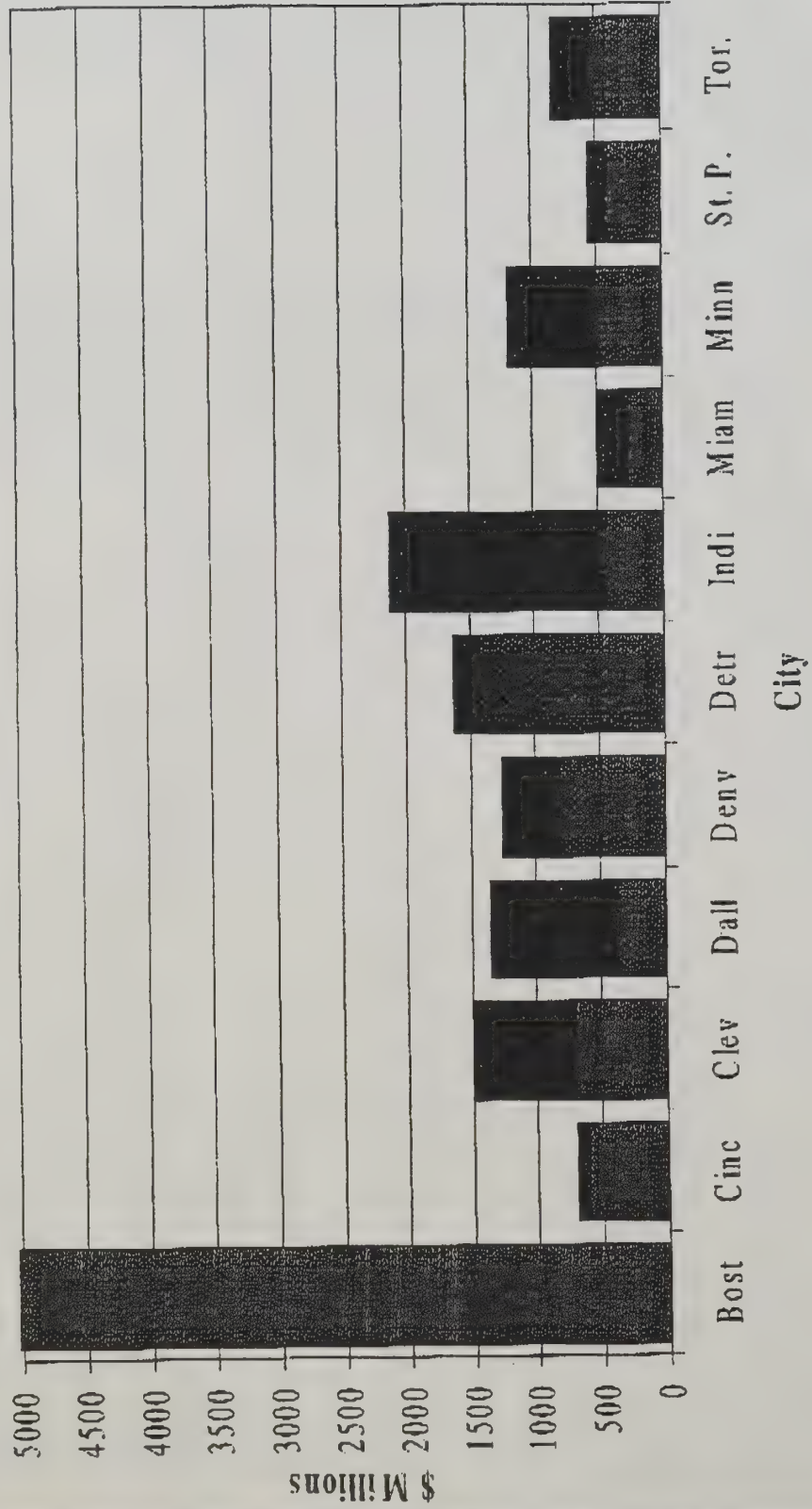
Source: Strategic Projections Inc., 1999



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# DOWNTOWN & WATERFRONT INVESTMENT (1990-2000)



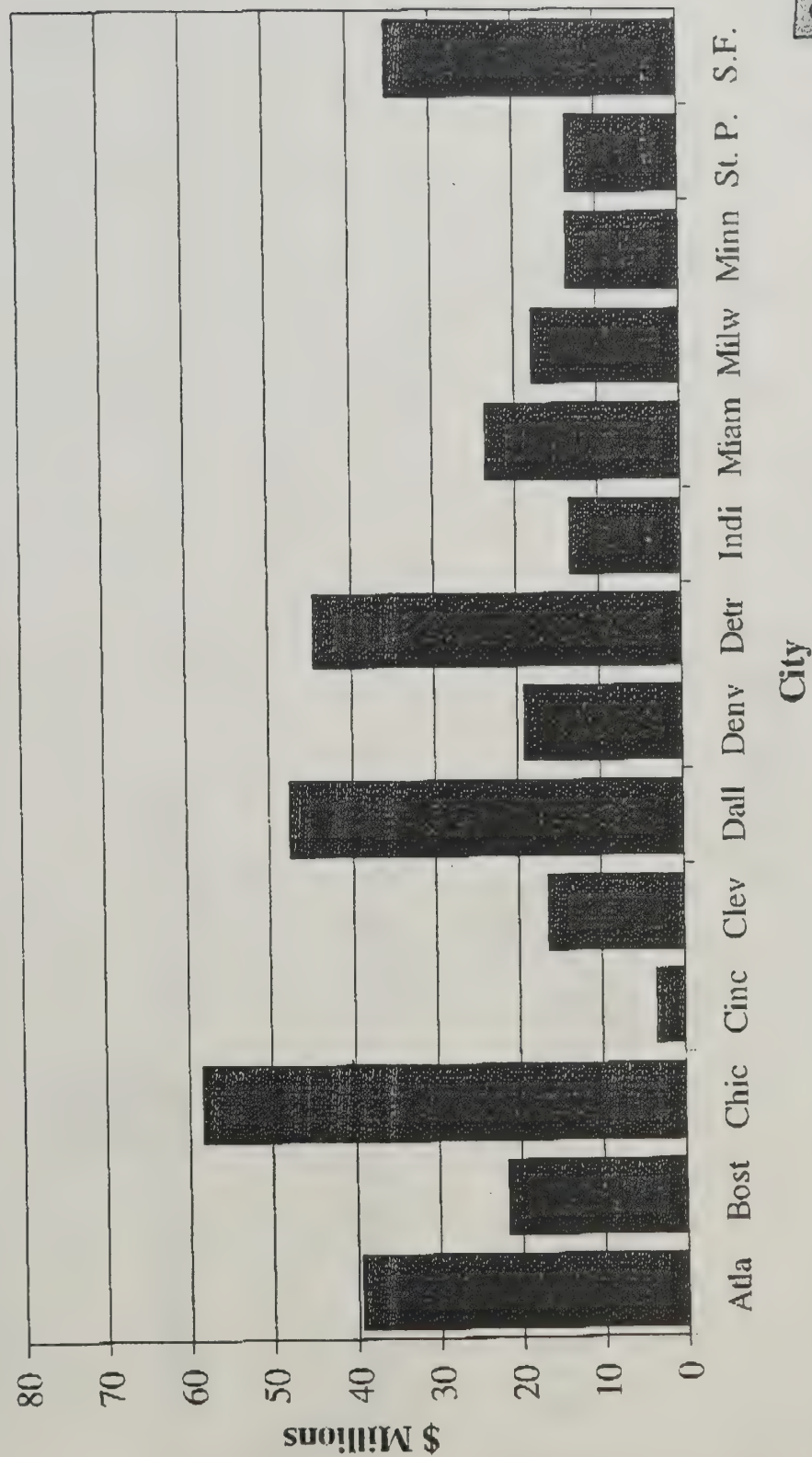
Public Private



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# TEA-21 ALLOCATIONS BY URBAN AREA (1999)



URBAN STRATEGIES, INC.



# **MAJOR TEA-21 TRANSIT ALLOCATIONS (1999)**

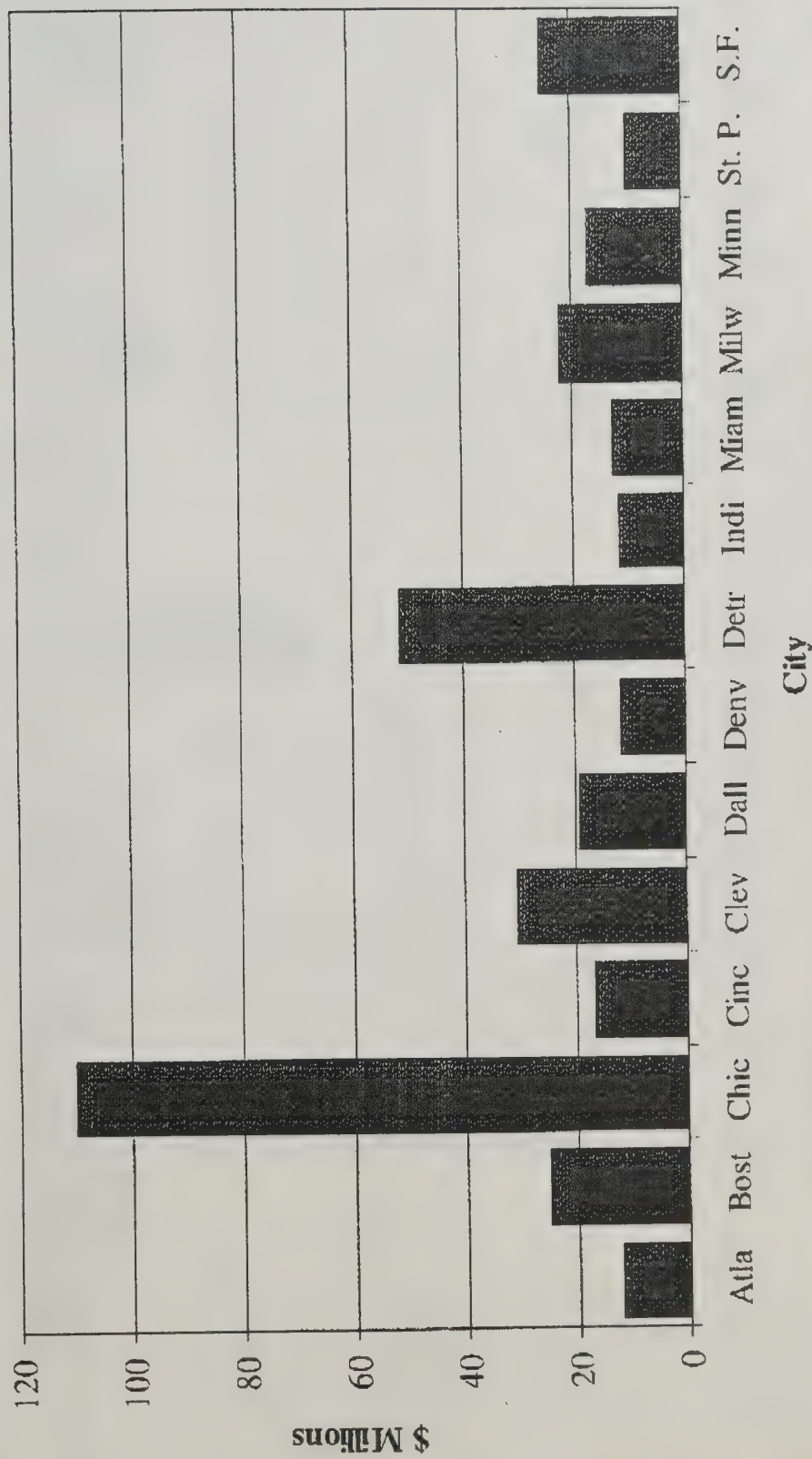
- \$155 MILLION, SAN FRANCISCO
- \$800 MILLION, NEW YORK
- \$100 MILLION, SEATTLE
- \$175 MILLION, PHILADELPHIA



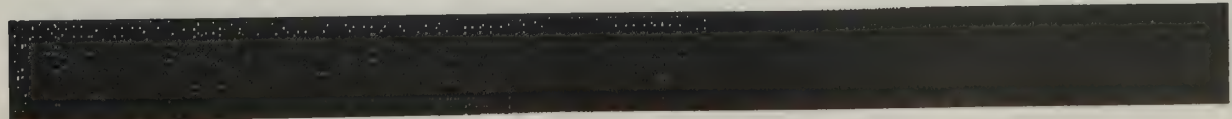
URBAN STRATEGIES INC.



# CDBG ALLOCATION BY CITY (1999)

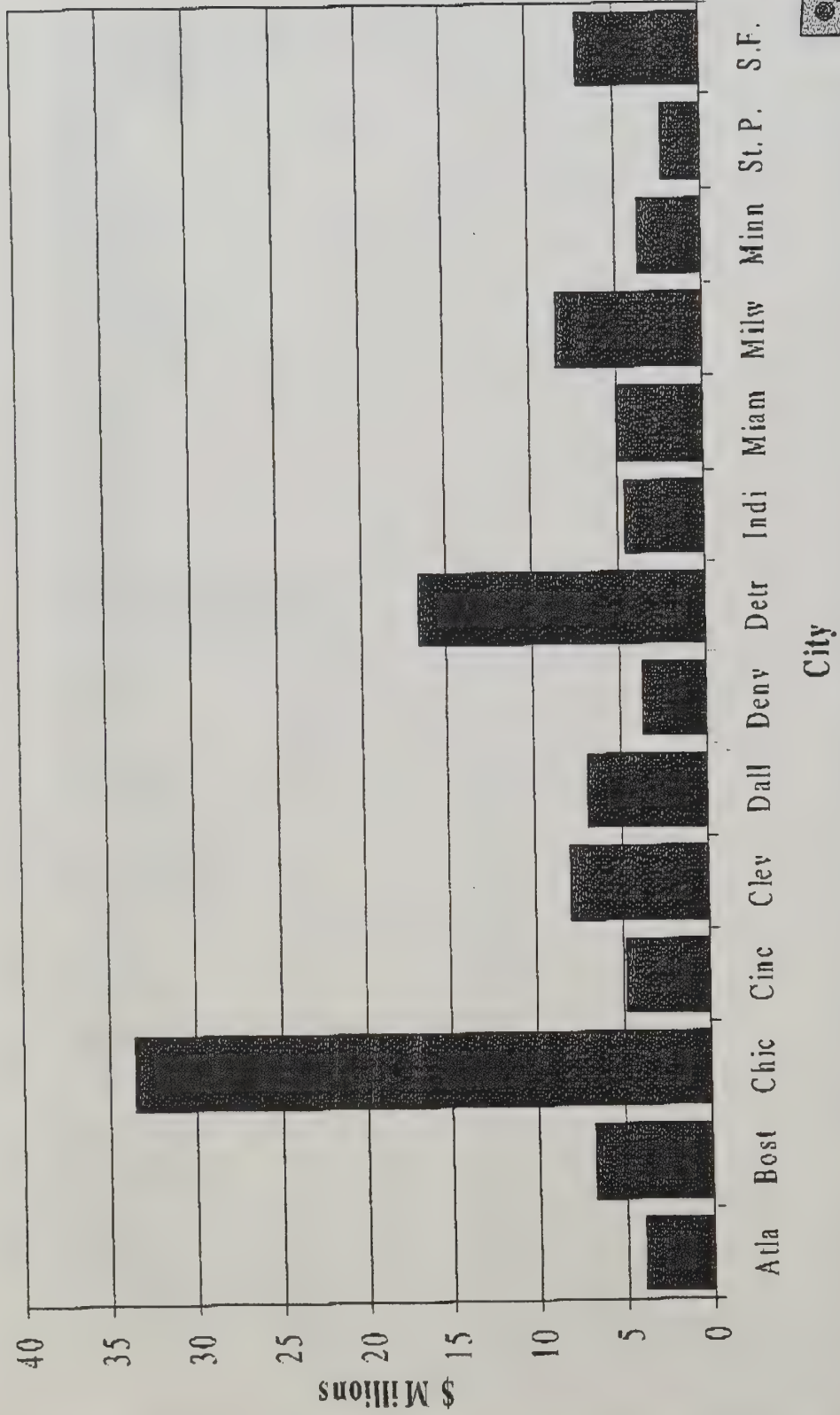


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# HOME INVESTMENT PARTNERSHIP ALLOCATION BY CITY (1999)





# ANNUAL FUNDING ALLOCATIONS

PROGRAM	GTA-SIZED CITY	HW-SIZED CITY
TEA-21	\$42 MILLION	\$4.2 MILLION
CDBG	\$155 MILLION	\$15.5 MILLION
HOME	\$46.5 MILLION	\$4.6 MILLION
TOTAL	\$243.5 MILLION	\$24.4 MILLION



URBAN STRATEGIES INC.



# U.S. URBAN REGENERATION AGENCIES

- BOSTON REDEVELOPMENT AUTHORITY
- SOUTHERN DALLAS DEVELOPMENT CORPORATION
- DOWNTOWN DENVER PARTNERSHIP
- DETROIT GREATER DOWNTOWN PARTNERSHIP
- INDIANAPOLIS DOWNTOWN INC.
- MIAMI DOWNTOWN DEVELOPMENT AUTHORITY
- ST. PAUL RIVERFRONT CORPORATION



URBAN STRATEGIES INC.



# URBAN REGENERATION PROGRAMS

	U.S. City	U.K. City	GTA
Property Tax Abatements	•	•	
Property Tax Increment Financing	•	•	
Enterprise Zones	•	•	
Sales Tax Credits/Rebates	•		
Corporate Income Tax Credits/Rebates	•	•	
Employee Income Tax Credits/Rebates	•		
Brownfield Tax Credits/Grants	•	•	
Historic Preservation Tax Credits/Grants	•		
Community Regeneration Grants	•	•	
Tax-exempt Municipal Bonds	•		
Agency Borrowing Capacity	•	•	•
Private Finance Initiatives		•	
Social Housing Grants	•	•	
Social Housing Loan Guarantees	•		
Renewal of Public Housing	•	•	
Urban Transportation Grants	•	•	
Millennium Funding		•	

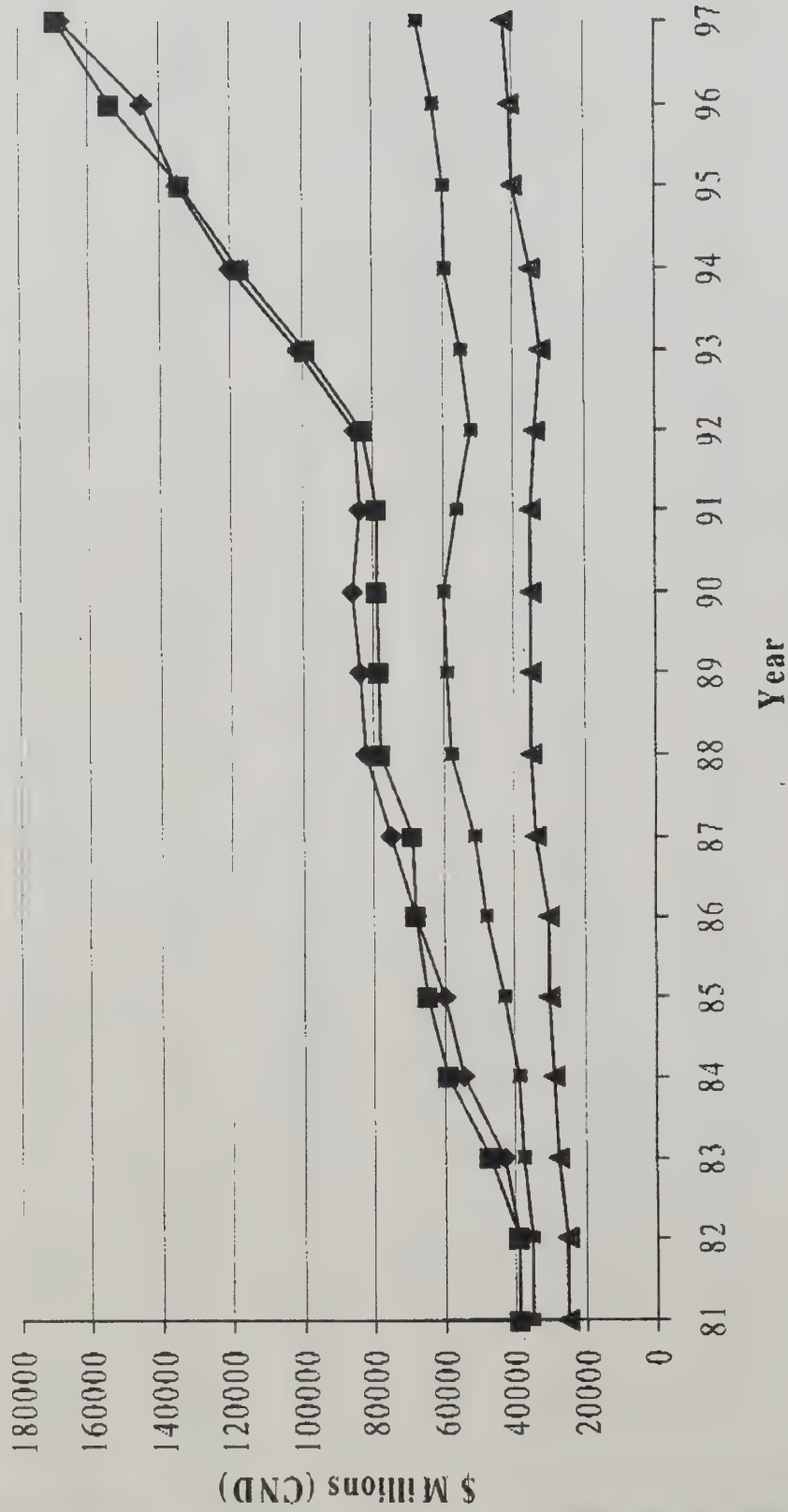
(Major program • Minor program ◊)



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# THE ONTARIO ECONOMY (1981-1997)



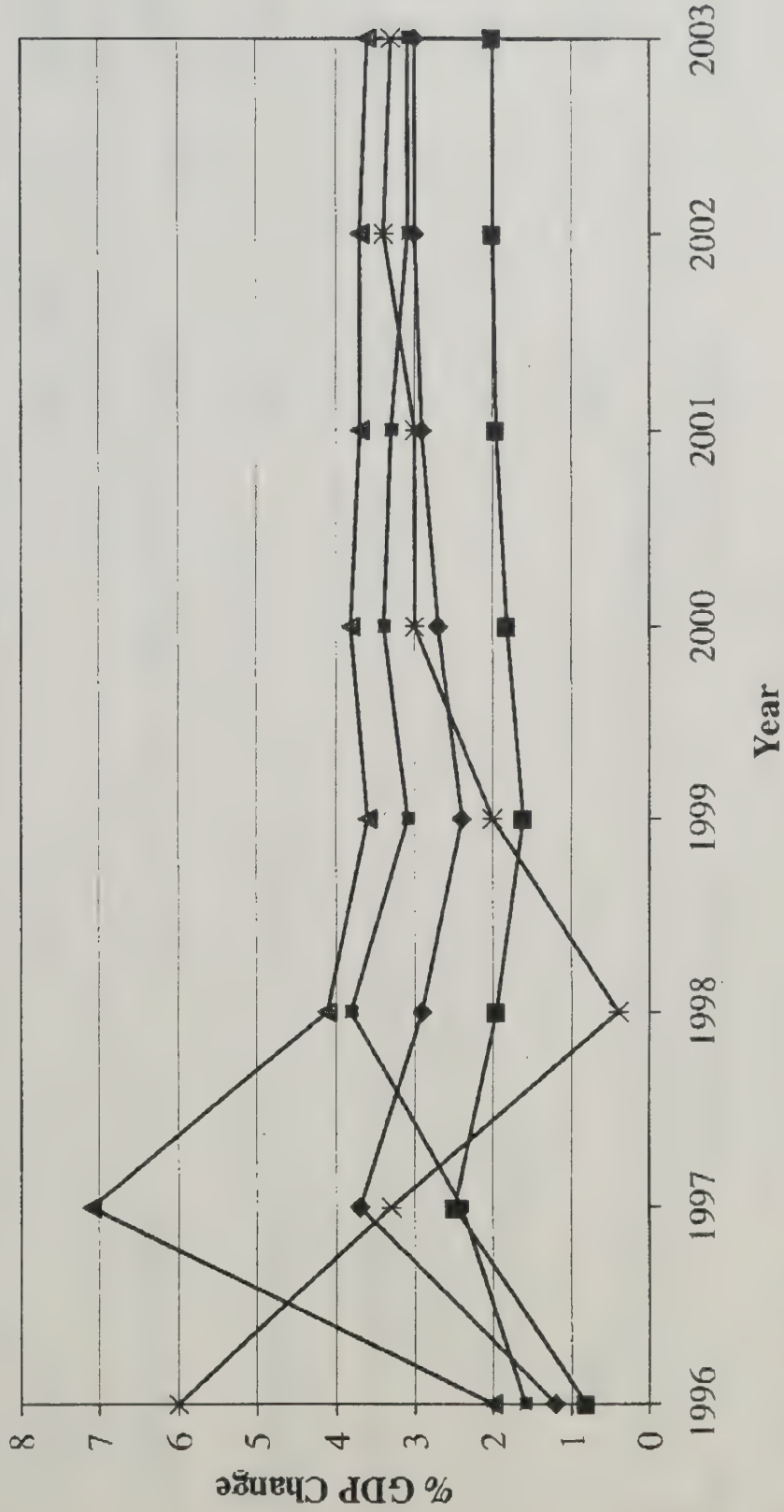
—◆— ROW Imports —■— ROW Exports —▲— CAN Imports —■— CAN Exports



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# ANNUAL CHANGE IN GDP (1996-2003)



—◆— Canada —■— Non-Urban Canada —▲— Toronto —■— Montreal —\*— Vancouver



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# GTA & HAMILTON-WENTWORTH: ANNUAL TRANSPORTATION INVESTMENT

PILLAR	BUDGETED	REQUIRED	GAP
Go Transit	\$50	\$250	\$200
TTC	\$230	\$500	\$270
Regional Roads	\$260	\$500	\$240
Local Transit	\$30	\$60	\$30
Priority Transit	\$0	\$60	\$60
<b>TOTAL</b>	<b>\$570</b>	<b>\$1,370</b>	<b>\$800</b>

Source: IBI Group, Hemson Consulting Ltd, C.N. Watson & Associates



URBAN STRATEGIES INC.



# **CAPITAL & OPERATING SELF SUFFICIENCY**

- REINVESTMENT VISION AND BUDGET
- INVESTMENT PRIORITIES
  - Competitiveness and Productivity
  - Long-Term Quality of Life
  - User-Pay
- WHAT SHOULD WE NOT BE FUNDING?
- REALIZE VALUE OF ASSET BASE





# **CAPITAL & OPERATING SELF SUFFICIENCY**

- URBAN INFRASTRUCTURE FUND
- FISCAL FLEXIBILITY
- URBAN REGENERATION CAPACITY
- PRIVATE AND VOLUNTARY SECTOR LEADERSHIP





**The Planning and Development Committee met.**

**There were present:** Alderman F. D'Amico, Chairperson  
Alderman G. Copps, Vice Chairperson  
Mayor R. Morrow  
Alderman F. Eisenberger  
Alderman M. Caplan  
Alderman B. Kelly  
Alderman D. Haining  
Alderman R. Corsini  
Alderman B. Charters

**Regrets:** Mayor R. Morrow (Civic Business)

**Also present:** Alderman D. Wilson  
Guy Paparella, Planning and Development  
Paul, Mason, Planning and Development  
Paul Mallard, Planning and Development  
Bill Janssen, Planning and Development  
John Sakala, Planning and Development  
Len King, Building Commissioner  
Doug Rose, Building Department  
Ed Switinky, Public Works and Traffic  
Art Zuidema, Corporate Counsel  
Tina Agnello, Secretary

**PUBLIC MEETINGS**

**1. CI-99-B, Deletion of "Public Parking Lots" as a Permitted use in the Downtown Area and "CR" (Commercial/Residential) Districts (PDC99134)**

Prior to this Public Meeting, the Chairman advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

**Submissions:**

- (a) Cathy Wiegand, Downtown Hamilton BIA
- (b) Alan Marshall, Martin and Hillyer, 2122 Old Lakeshore Rd, Burlington
- (c) Michael Weinberg, 756 Spadina Rd. Toronto
- (d) Greg Fraleigh, 1 Hamilton Street South, Waterdown
- (e) Cathy Wiegand, Downtown Hamilton BIA
- (f) Jackson Square

Paul Mallard gave a brief overview of the report and background history leading to the report.

Cathy Wiegand was present in opposition to the recommendation on behalf of the Downtown BIA. She stated that it is difficult to find parking in the downtown core. She also stated that the boarded building contribute to the detriment of the downtown. She requested that the Committee either deny the proposal of table it until the transportation project is completed.



Greg Fraleigh of 1 Hamilton Street, Waterdown, and manager of various properties in the downtown core was present. He stated that this proposal will be an impediment to development in the downtown. He advised that Hamilton has the second highest tax rate in Ontario. Parking is a short-term income solution for properties when the market does not allow for development. In response to a question from Alderman Caplan, Mr. Fraleigh stated that the properties will not be developed until a better transportation system is developed.

In response to a question from Alderman Corsini Mr. Fraleigh advise that the vacancy rate for commercial buildings in the downtown core is 15 to 20 percent. These are figures from Colliers report, March 1999.

Jim Alabakosz, owner of 123 James Street North was present and explained that the building on his property was burned down but the property is still assessed at the same value as previous.

Todd Fraleigh of 125 Aberdeen Avenue stated that the proposal will be a further impediment to completion with other areas in the City. More parking lots create more affordable parking and brings people into the downtown core.

David Blanchard of 710 Main street west was present representing several downtown property owners including 39 James Street South. He advised that buildings that are 100 per cent vacant are not viable. Parking lots help pay the taxes.

Tom Dunn of Citipark Inc. was present on behalf of parking lot owners in the downtown. He stated that parking is an interim use.

Mary Pocius of the International Villages BIA was present to state that the BIA is not in favour of tearing down buildings or allowing buildings to be vacant for years. These situations create high insurance costs to already burdened business owners. She stated that parking is important for the viability of the downtown but that we should do as in the United Kingdom and require that when buildings are torn down for parking lots that the facade be retained.

Ruth Ricca of Ricca's furniture on James Street North for 44 years, advised that in her area there is a lack of parking and that they have lost business as a result. She also said that they have 8 apartments over the store and that they there is no parking available in the area for tenants.

Alderman Charters advise that there is no demand for downtown Hamilton and that the condition of some parking lots and vacant buildings is an impediment to development in the downtown core. The experts advised that surface parking lots do not contribute to the wellbeing of the downtown core.

Alderman Haining advised that site specific decisions can be made to accommodate requests for parking lots. The 10, 5 and 5 Provincial caps on taxes are hurting the downtown. The downtown cannot wait 10 to 20 years to get developed.

With respect to incentives to development Guy Paparella advised that the city's zoning bylaws allow the widest variety of uses in the downtown core. There are no development charges, no building fees, no parkland dedication fees, and no development fees. He added that the City is one of 2 pilot municipalities instituting a development permit process which should expedite development. This process will be implemented by the end of March 2000.

Alderman Eisenberger suggested that the tax concerns be brought to the Province.

Alderman Caplan suggested that the matter be tabled until the transportation study has been finalized.



Alderman Kelly stated that the matter is an issue of quality control in the downtown, therefore he supports the recommendation.

Alderman Copps suggested that we require new buildings to have underground parking.

Alderman D'Amico stated that the best interest of the entire downtown must be considered. This report addresses that. The present Council is willing to work with all groups for the betterment of the downtown.

As recommended by the General Manager, Community Planning and Development Division, in a report dated November 19, 1999 the Committee recommended to Council as follows:

That approval be given to City Initiative 99-B for modifications to Zoning By-law No. 6593 to delete "Public Parking Lots" as a permitted use for those lands located in the Downtown Area, as shown on the attached map marked as APPENDIX "A", and from the "CR" (Commercial-Residential) Districts throughout the City, on the following basis:

(a) That Section 2.(2)D.(iii) of Zoning By-law No. 6593 be amended by:

- (i) adding the word ",structure," between the words "building" and "or" in the first line;
- (ii) deleting the word ",of" between the words "only" and "motor driven" in the second line;
- (iii) deleting the words "pursuant to previous arrangements and not to transients" in the third and fourth lines;

so the entire clause reads as follows:

"Garage, Storage" shall mean a building, structure, or portion thereof used for housing only motor-driven vehicles, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation, repaired, hired or sold;

(b) That Section 14.(1)(viii) of Zoning By-law No. 6593 be amended by:

- (i) deleting the words "or a" between the words "bath" and "theatre" in the last line and replace with a comma;
- (ii) adding the words "or a public parking lot located in the area shown on Schedule "N"." at the end of the clause;

so the entire clause shall read as follows:

"Any commercial use permitted in an "E" or "G" District without a limitation on the number of employees except a massage parlour, public bath, theatre, or a public parking lot located in the area shown on Schedule "N".

(c) That Section 15.(1)(ii) of Zoning By-law No. 6593 be amended by:

- (i) deleting the word "and" in the last line and adding a comma;
- (ii) adding the phrase "or a public parking lot located in the area shown on Schedule "N" at the end of the clause so the entire clause shall read as follows:



"Any commercial use which is permitted in a residential district or other commercial district except a penny arcade, a third party/billboard sign, or a public parking lot located in the area as shown on Schedule "N".

- (d) That Section 15A.(1)(xvii) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause:

"Parking spaces, or a storage garage;"

- (e) That Section 15B.(3)(b)17. of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause:

"Parking spaces, or a storage garage;"

- (f) That Section 15B.(3)(b)20. of Zoning By-law No. 6593 be deleted in its entirety;

- (g) That Section 15B.(21) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause;

- (h) That Section 15B.(23) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause;

- (i) That Section 22 RESTRICTED AREAS BY-LAWS REPEALED of Zoning By-law No. 6593 be amended by adding the attached APPENDIX "A" as SCHEDULE "N";

- (j) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and

- (k) That the proposed text amendments are in conformity with the Official Plan for the Hamilton Planning Area.

**2. ZA-99-35, by The Rosslyn for 1320-1322 King Street East (PDC99152)**

Prior to this Public Meeting, the Chairman advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Paul Mallard reviewed the report to the Committee and clarified 2 type errors in the document. Of 126 Notices circulated, 11 replied in favour and 2 opposed.

The proponents were present in support of the recommendation.

Bill McAdam of 10 Rosslyn Avenue was present in support of the application.

Don Gray of 35 Kensington Avenue South had concerns regarding air conditioner noise and lack of parking space especially for the employees.

Ken Isaac, architect for the proposal stated that in total 9 spaces are being provided. Only one resident owns a vehicle and on the average day most present parking spaces are vacant. He also clarified that the building would have individual air-conditioning units.

In response to a question from Alderman Eisenberger Mr. Isaac stated that most residents use public transit or walk. The average age of residents is 89.



Alderman Haining stated that there are empty parking spaces on a daily basis.

Alderman Wilson stated that the house that is being torn down has some historical significance.

As recommended by the General Manager, Community Planning and Development Division, in a report dated November 22, 1999 the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-99-35, by 1018092 Ontario Ltd. (The Rosslyn), owner/prospective owner, for a modification to the existing "H" (Community Commercial and Shopping, etc.) District regulations, to permit the expansion of the existing Residential Care Facility from 50 residents to 64 residents, for lands located at 1320-1322 King Street East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - (i) That notwithstanding Section 14.(1) of Zoning By-law No. 6593, the following use shall be permitted:
      - 1. a senior citizens "residential care facility" for the accommodation of a maximum of sixty four (64) persons;
    - (ii) That for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;
    - (iii) That Section 14.(7) of Zoning by-law No. 6593, shall not apply to the subject lands;
    - (iv) That notwithstanding Section 14.(9)(i) of Zoning By-law No. 6593, a landscape planting strip of not less than 1.2 m in width shall be provided and maintained along the westerly lot line;
    - (v) That Section 18A.(1)(f) of Zoning By-law No. 6593 shall not apply;
    - (vi) That notwithstanding Section 18A.(7) of Zoning By-law No. 6593, five (5) parking spaces shall be provided and maintained adjacent to Rosslyn Avenue shall have a length of not less than 2.3 m; and,
    - (vii) That a minimum landscape area of 26.8% of the lot area shall be provided and maintained on the lot;
  - (b) That the amending by-law be added to Section 19B of Zoning by-law No. 6593 as Schedule S-1439, and that the subject lands on Zoning District Map E-45 be notated S-1437.
  - (c) That Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-45, for presentation to City Council; and,
  - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- Alderman Copps opposed.



**3. CONSENT AGENDA****A. ADOPTION OF THE MINUTES****(a) Minutes of the meeting held November 24, 1999**

Minutes of the meeting held November 24, 1999 were approved as circulated.

**(b) Minutes of the special meeting held November 30, 1999**

Minutes of the special meeting held November 30, 1999 were approved as circulated.

The following recommendations were forwarded to Council for approval:

**B. ACTING COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

**Westdale Village B.I.A. – Proposed Budget and Schedule of Payment for 2000 (PWT99084) dated November 22, 1999:**

- (a) That the 2000 operating budget for the Westdale Village B.I.A. (attached as Appendix 'C') be approved in the amount of \$45,000; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 2000 be approved:

January	\$15,000
April	\$10,000
July	\$10,000
October	\$10,000

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

**C. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION****(a) Demolition of 112-114 & 116 Wellington Street North (PDC99148) dated November 16, 1999:**

- (a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 112-114 and 116 Wellington Street North, in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 112-114 and 116 Wellington Street North subject to the following conditions:



- (i) the applicant has applied for and received a building permit for a replacement building on this property; and
- (ii) the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property; and
- (iii) the said building permit for the replacement building specified if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$60,000 (\$20,000 for each of the three dwelling units of the existing building that were demolished); and,
- (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,
- (v) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

**(b) Parkway Manor Phase 1, and Woodland Meadows – Cash in lieu of 5% Parkland Dedication (PDC99150) dated November 17, 1999:**

That the City of Hamilton accept the sum of \$ 46,000.000 for Parkway Manor - Phase 1" and \$ 46,000.00 for "Woodland Meadows" as the payment in lieu of the 5% land dedication in connection with "Parkway Manor – Phase 1" and "Woodland Meadows", Hamilton being the cash payment required under Section 51.1 of the Planning Act.

**(c) Site Plan Control Application DA-99-46 for 100 Beddoe Drive (Lapp Property) (PDC99151) dated November 19, 1999 was approved by the Committee as follows:**

That approval be given to Site Plan Control Application DA-99-46 by Aragon (Chedoke) Development (Ontario) Corporation, owner, for development of 147 condominium townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as APPENDIX "D", on the following basis:

- (i) modifications to the plans in relation to notes, dimensions, and fencing as marked in red on the plans;
- (ii) submission of a revised Landscape Plan and Tree Preservation Plan which shall include confirmation of the property line location and adjacent trees within the road allowance to the satisfaction of the Niagara Escarpment Commission and the Director, Land Development Department, Community Planning and Development Division;
- (iii) submission of a revised Grading Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan



to the satisfaction of the Hamilton Region Conservation Authority and the Director, Land Development Department, Community Planning and Development Division;

- (iv) submission of a Phasing Plan to define the staging of the development and to ensure the appropriate works of each phase and interim land treatment is recognized as a co-ordinated development, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (v) provision that the Site Plan Agreement to be registered on title of the lands include a schedule outlining the approval of City Council of December 11, 1997 in the First Report of the Planning and Development Committee, Item 27 d(ii) through d (xviii), contained in the attached Appendix "B";
- (vi) dedication to the City of Hamilton of a triangular portion of land at the curve of Beddoe Drive where the existing municipal roadway is located;
- (vii) payment of the outstanding realty taxes; and,
- (viii) provision of the following note on the Site Plan and Phasing Plan:

"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases."

- (d) **Authorization for Staff Attendance at Ontario Municipal Board hearing- 120 Walter Avenue North (PDC99154) dated November 24, 1999:**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:191, respecting property located at No. 120 Walter Avenue North, as shown on attached map marked as APPENDIX "E".

**D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

- (a) **Hamilton Emergency Loan Program, 223 Broadway Avenue (HSB99009) dated November 22, 1999:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and twenty-five dollars (\$1,725) be approved for Ljulja Ljulidjuraj, 223 Broadway Avenue. The interest rate will be 2 per cent amortized over 5 years.



- (b) **Commercial Property Improvement Loan Program, 164 ½ King Street East (HSB99010) dated November 22, 1999:**

That a loan increase, for façade improvements, under the Commercial Property Improvement Loan Program, in the amount of fifteen thousand and eight dollars (\$15,080) to Paul Roth, registered owner of 164½ King Street East, be approved.

**E. SECRETARY SELECTION COMMITTEE**

**Appointment of members to CAPIC and LACAC dated November 29, 1999:**

- (a) That Gary Ostofi be appointed to serve on the Central Area Plan Implementation Committee for a term to expire November 30, 2002; and,
- (b) That the following Citizen Members be appointed to serve on the Local Architectural Conservation Advisory Committee:

Elaine Sheppard	for a term to expire November 30, 2000
Brian Henley	for a term to expire November 30, 2002
Donna Reid	for a term to expire November 30, 2002
Jeffrey Steadman	for a term to expire November 30, 2002

**4. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION**

- (a) **Guideline for Identification, Assessment and Remedial Work Related Work Related to Problems in Masonry Buildings (PDC99075)**

As recommended in a report dated November 29, 1999 the Committee recommended to Council as follows:

- (a) That the Building Department be authorized and directed to hold a public meeting to present the report prepared by JNE Consulting Ltd., and Robert G. Drysdale, Ph.D., P.Eng., titled "Guideline for Identification, Assessment and Remedial Work Related to Problems in Masonry Buildings"; and,
- (b) That the Building Department be authorized and directed to hold a training seminar aimed at design professionals, consultants and contractors to share information on masonry construction, failure mechanisms and rehabilitation with the local construction industry; and,
- (c) That the Building Department be authorized and directed to commit up to \$50,000 to hire a consultant to assist property owners through a proactive investigation of the condition of existing high rise masonry buildings. This proactive approach is to start in Ward 2; and,
- (d) That additional revenues generated be used to offset the \$50,000 cost of consultants, and that any shortfall be absorbed in the year 2000 operating budget.

- Alderman Charters and Alderman Haining opposed.



**(b) Planning Application fees (PDC99155)**

As recommended in a report dated November 25, 1999 the Committee recommended to Council as follows:

That approval be given to City Initiative 83-B to amend the Planning Application Fees as shown on APPENDIX "F".

**(c) Streamlining of Land Development Approvals Processes (PDC99153)**

As recommended in a report dated December 1, 1999 the Committee recommended to Council the following as amended to delete site plans:

- (a) That the General Manager, Community Planning and Development Division, or designate, be delegated consent granting authority for those applications for consent that are for the purpose of creating servicing or maintenance easements;
- (b) That the General Manager, Community Planning and Development Division, or designate, be assigned the authority to grant a provisional consent, in accordance with the Planning Act and regulations thereunder, where the application complies with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593 and the application is not in dispute or where any dispute is resolved without a hearing;
- (c) That the General Manager, Community Planning and Development Division, or designate, be granted the authority to prepare and present to City Council by-laws to exempt lands from Part Lot Control where the exempting by-law is required to implement the conditions of draft plan approval;
- (d) That the General Manager, Community Planning and Development Division, or designate, be granted authority to recommend conditions of draft plan approval for plans of condominium for new development;
- (e) That the General Manager, Community Planning and Development Division, or designate, be authorized to recommend approval for applications for the extension of a draft approved plan of subdivision or condominium;
- (f) That the approval of engineering schedules, cost sharing arrangements and the associated subdivision agreements be delegated to the General Manager, Community Planning and Development Division, or designate, as an assigned signing officer for the City of Hamilton;
- (g) That in those circumstances where the owner of a subdivision wishes to proceed with construction of the required infrastructure in accordance with the conditions of Draft Plan Approval for a Plan of Subdivision prior to final execution of a subdivision agreement with the City, that the owner be allowed to do so at their own risk provided that they enter into a standard pre-servicing agreement with the City of Hamilton;
- (h) That the Mayor and Municipal Clerk be authorized and directed to execute City Pre-Servicing agreements, providing such agreements are in a form satisfactory to the Corporate Counsel;
- (i) That the amount of 5% payment as cash-in-lieu of parkland dedication in subdivisions be calculated by the Property



Department and collected through subdivision agreements without submission to Council;

- (j) That the General Manager, Finance, or his/her designate, be authorized and directed to close Subdivision Capital Project accounts, upon notice from the General Manager, Community Planning and Development, or his/her designate, that all payment of all servicing costs from these accounts are complete and no further payments by the City are required;
- (k) That the General Manager, Finance, or his/her designate, be authorized and directed to transfer all excess funding from closed Subdivision Capital Project accounts to the original source of funding; and,
- (l) That the General Manager, Community Planning and Development Division, be authorized and directed to prepare a monthly status report with respect to the above mentioned items in terms of activity in these delegated functions.

Prior to voting on the motions a discussion ensued regarding all three reports.

Guy Paparella explained that staff has met with the homebuilders regarding the Fees. Regarding the streamlining he stated that it will make operations more efficient especially considering the fact that in January 2000 we will have fewer staff.

Regarding the masonry buildings Alderman Charters is not in favour of hiring a consultant. Len King advised that it will be a one-time expenditure which will not add annually to the budget. He added that there will cost recovery from fees collected from this.

Alderman Charters also stated concern over proposed changes regarding site plan approvals. He stated that there are no standards presently in place.

In response to a question from Alderman Kelly Len King advised that the money for a consultant regarding masonry buildings will be spent on ward 2 where the majority of these problems have occurred.

## **5. OTHER BUSINESS**

The Committee adjourned into closed session to discuss matters of potential litigation and reconvened immediately thereafter with the following report:

That a special Meeting of City Council be requested to be held on Thursday December 9<sup>th</sup> to consider a recommendation and bylaw regarding CI-99-B, Deletion of "Public Parking Lots" as a Permitted use in the Downtown Area and "CR" (Commercial/Residential) Districts (PDC99134)

## **6. ADJOURNMENT**

There being no further business the Committee meeting adjourned.

Taken as read and approved.

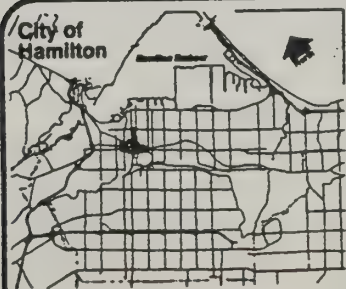
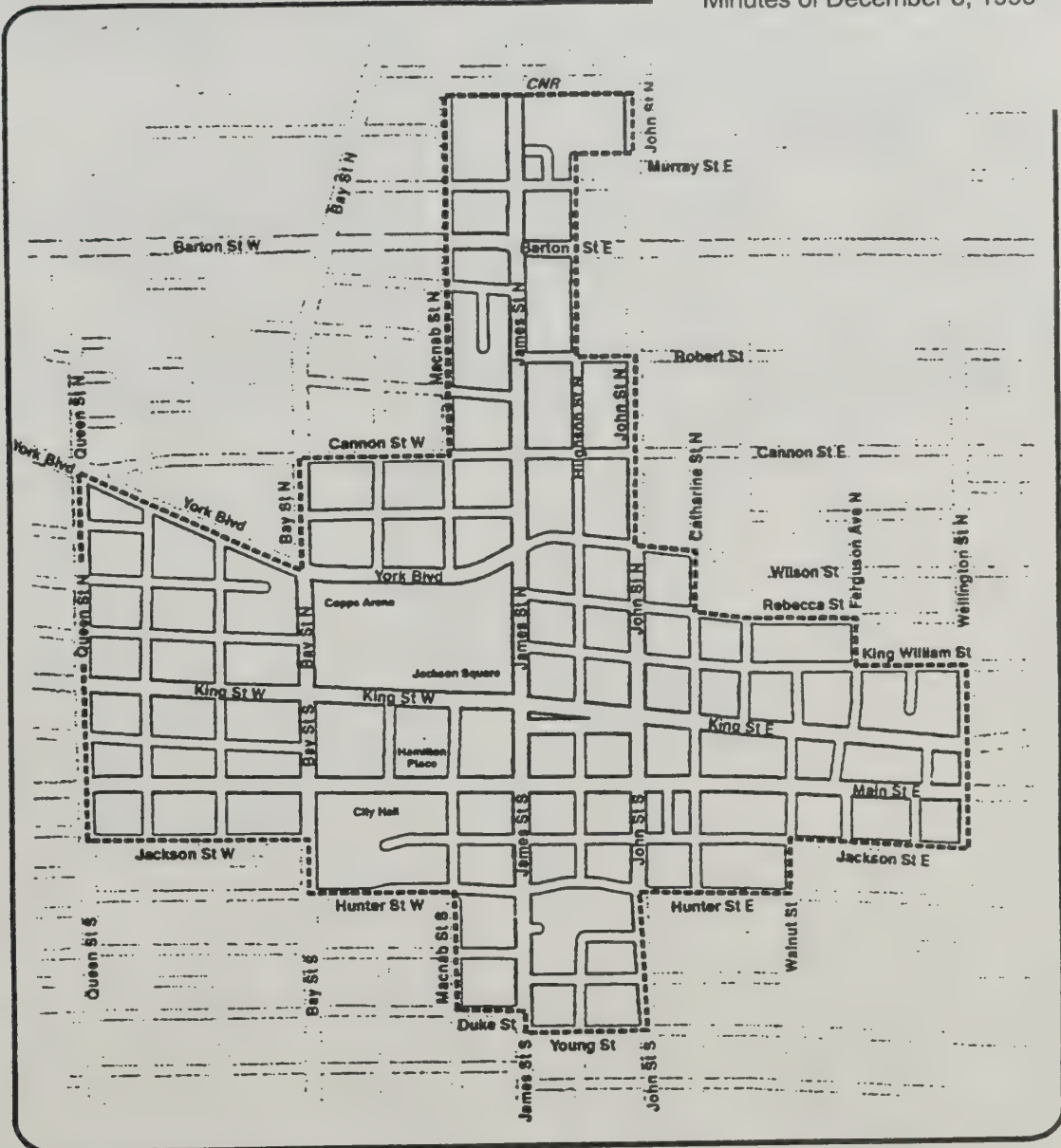


Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Tina Agnello  
Secretary



Appendix "A" referred to in  
Section 1 of the  
Planning and Development Committee  
Minutes of December 8, 1999



## COMMUNITY PLANNING AND DEVELOPMENT DIVISION

### Legend

 Public parking lots not  
permitted within this area

Reference file:  
CI-99-B

Scale  
Not to Scale

Date  
Nov., 1999

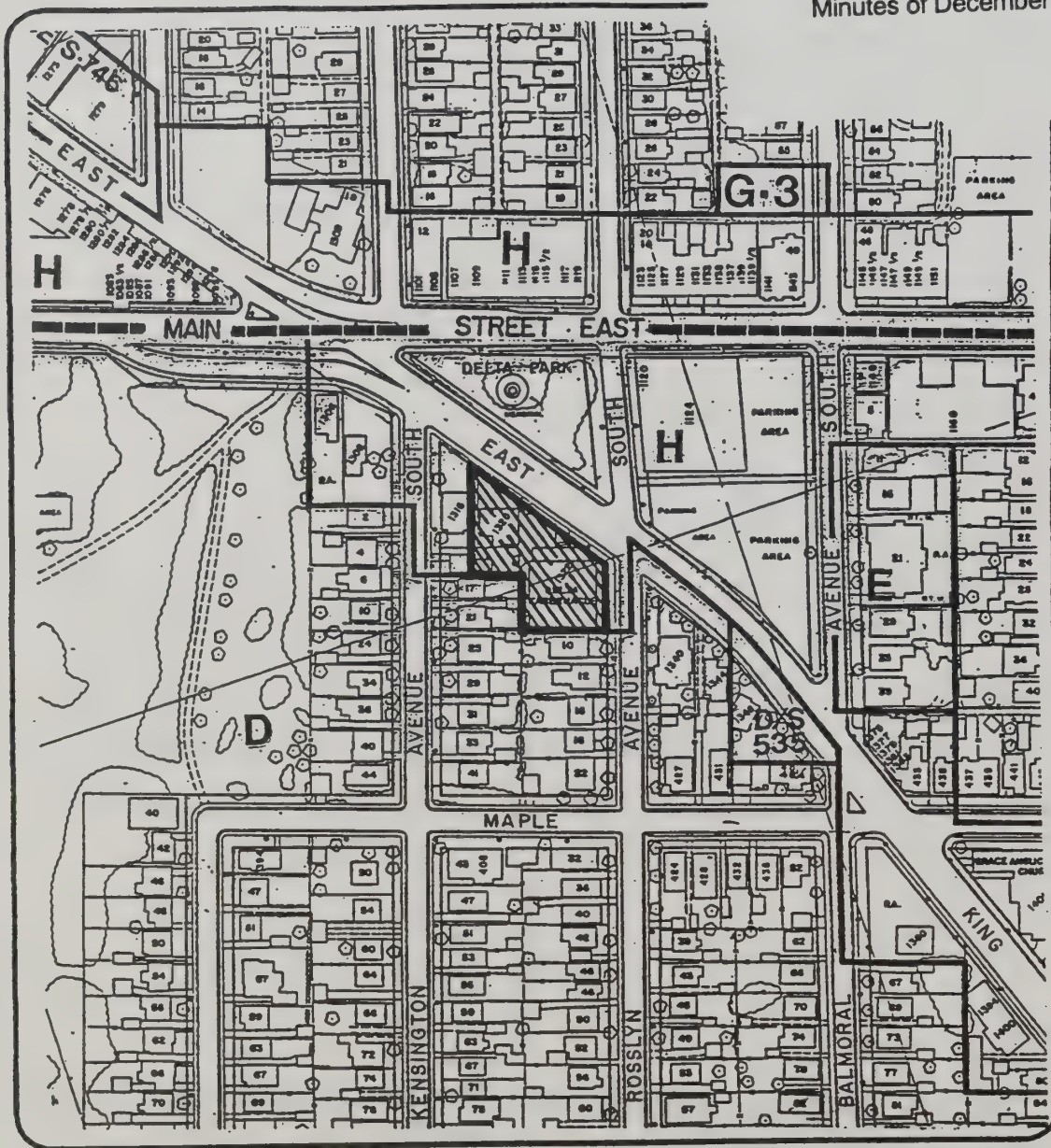
Technician:  
D.L.

Appendix "A"

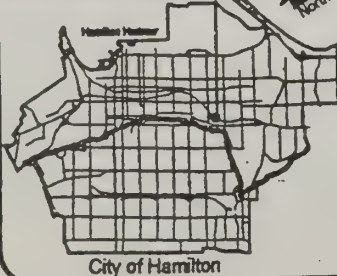
Source: Hamilton Parking Authority and Licensing Division



Appendix "B" referred to in  
Section 2 of the  
Planning and Development Committee  
Minutes of December 8, 1999



Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

Legend



Site of the Application

Reference file:

**ZA-99-35**

Scale

**Not to Scale**

Date

**Oct , 1999**

Technician:

**B. B.**

**APPENDIX 'A'**



**Westdale Village Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT99084)**

Appendix "C" referred to in  
Section 3B. of the Planning  
and Development Committee  
Minutes of December 8, 1999

## **APPENDIX**

### **WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA'S**

#### **2000 BUDGET**

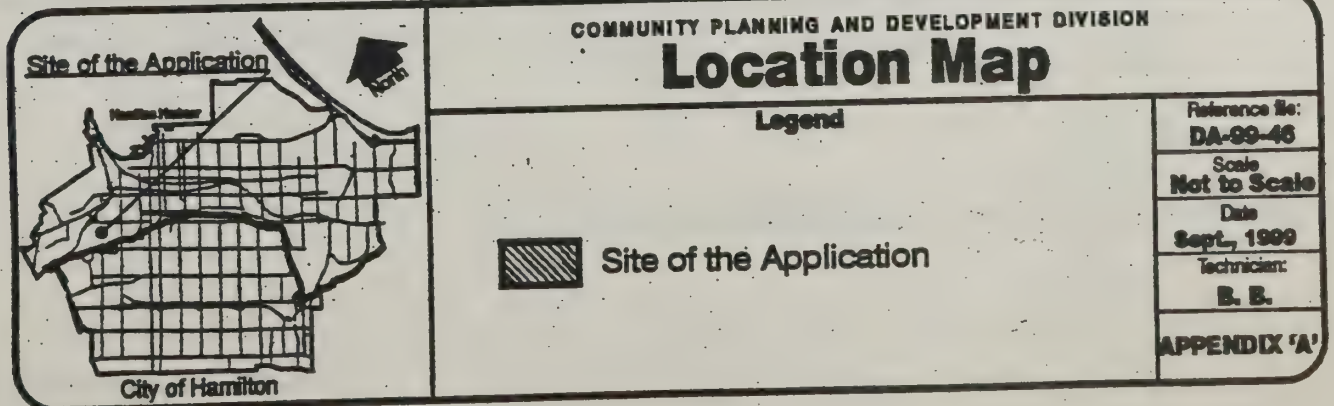
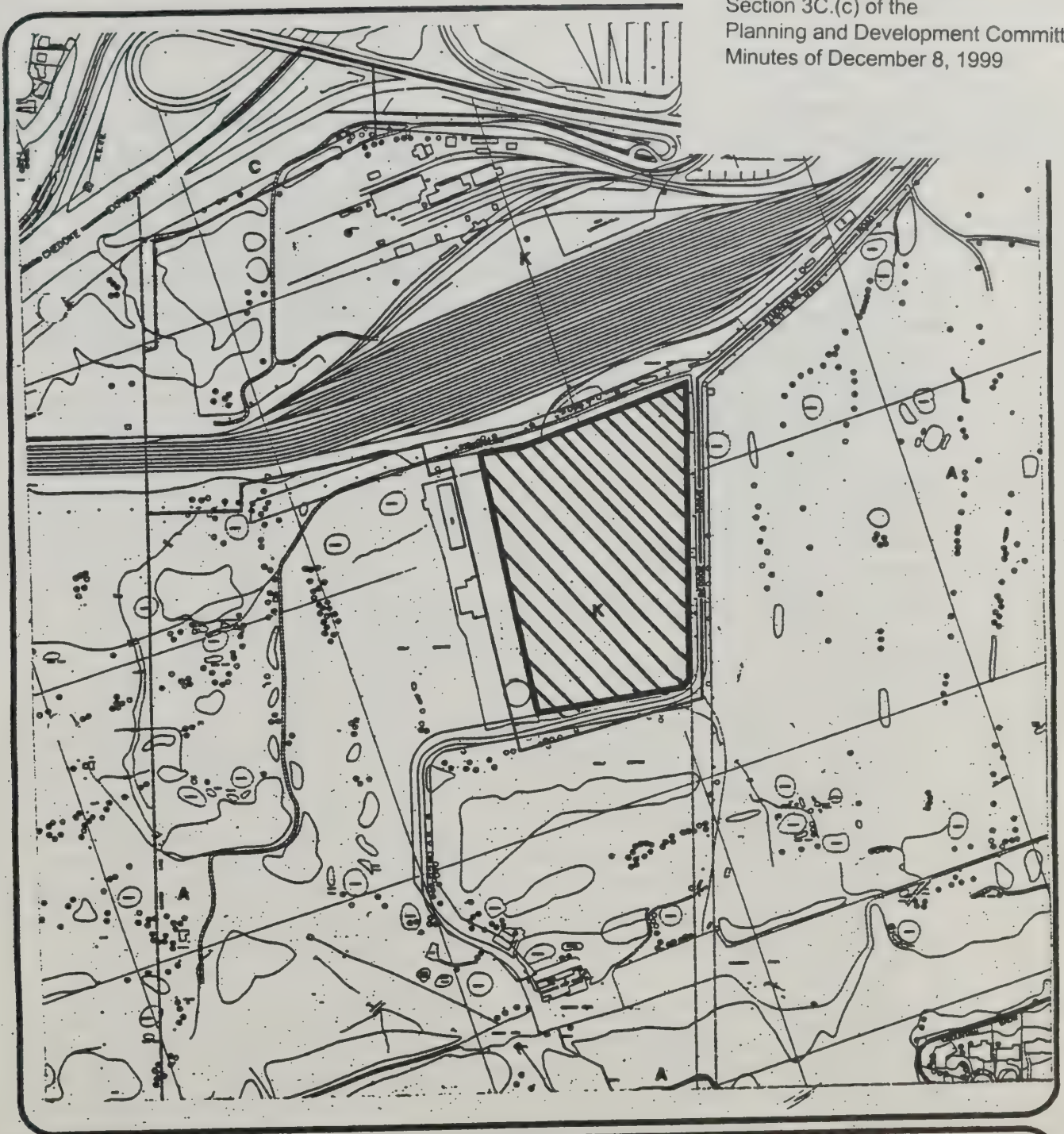
Rent		\$ 1,200
Insurance		\$ 1,600
Staff Wages	\$5,200	
Student	\$ 500	\$ 5,700
Board Expense		\$ 1,200
Audit		\$ 350
Annual General Meeting		\$ 400
Office		\$ 1,500
Maintenance		\$ 1,500
Event Promotions		\$21,550
Advertising (radio, newspaper, Magazine)		\$10,000
TOTAL BUDGET		<hr/> \$45,000







Appendix "D" referred to in  
Section 3C.(c) of the  
Planning and Development Committee  
Minutes of December 8, 1999





8. The applicant held an open house for the neighbourhood on August 12, 1999 to present the project. The Department has also contacted the Neighbourhood Association who has not responded to date.
9. From an urban design perspective, the general lot layout implements the MOE noise criteria. The resulting "U" shaped building creates a development that is generally "inward facing". The front yards, amenity areas, socialization and pedestrianisation will occur within the centre of the development. The rears of the structures and the garages face the street along the perimeter of the property. The design of the units and landscape treatment has provided a varied architecture along the municipal streets.
10. The plans indicate that the project will be constructed in phases and may possibly be divided in the same manner as condominiums. Although the process of possible condominium has not been fully evaluated with this submission, a note on the plan should be included to address some of the difficulties, which must be resolved. These deal with access, easements, servicing, rights-of-ways, etc.

The following note should therefore be placed on the Site Plan and Phasing Plan:

"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases."

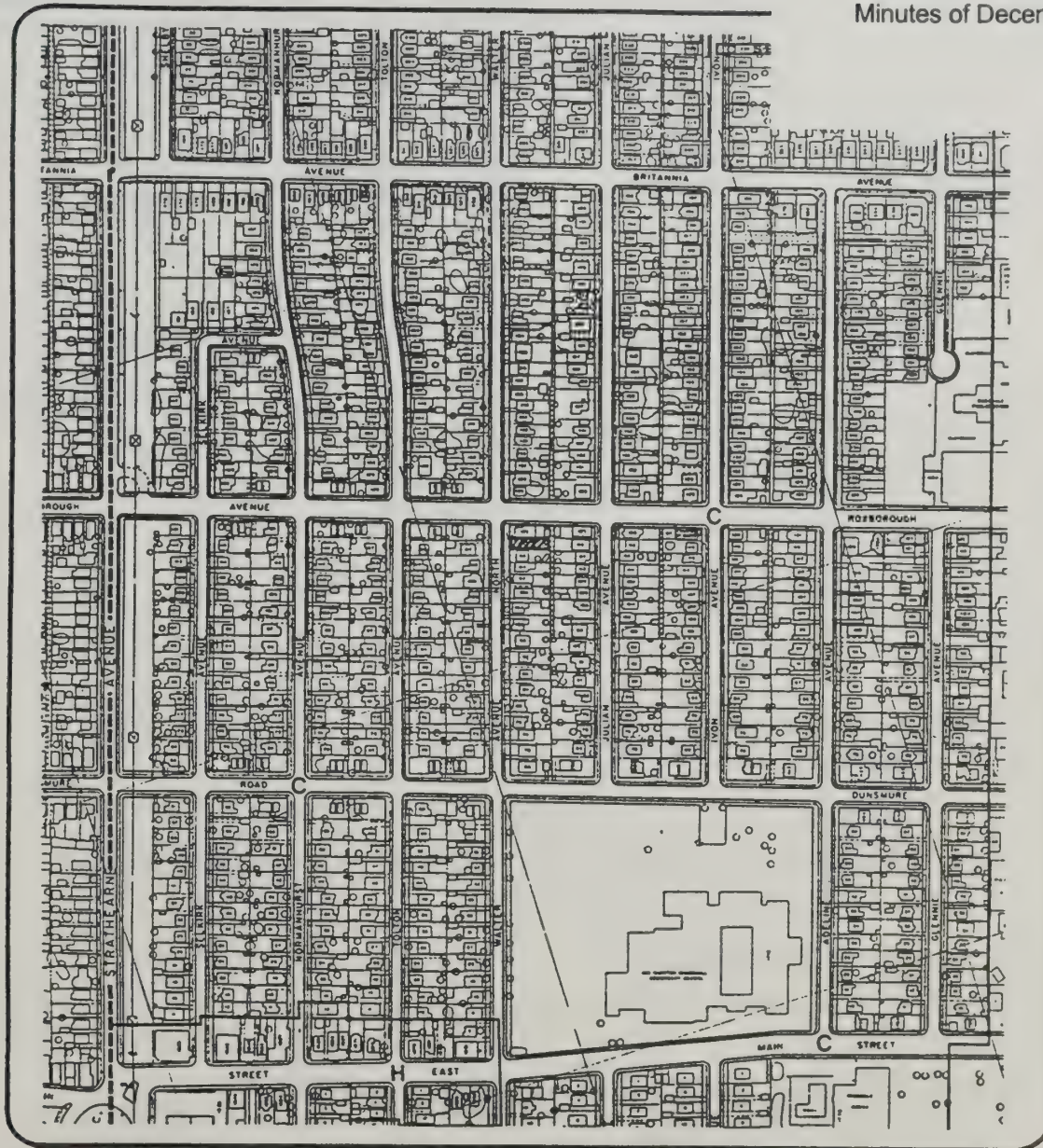
As a proposed phased development, a detailed phasing plan must be included and submitted to the satisfaction of the Director, Land Development Department, Community Planning and Development Division. The phasing plan must ensure the phasing lines are appropriately located and that the future phased portions are minimally treated, i.e. level grading and grassed with some possible tree plantings, and are maintained as part of the early phases, until construction occurs in those areas.

## CONCLUSION:

Based on the foregoing, the application can be supported.



Appendix "E" referred to in  
Section 3C.(d) of the  
Planning and Development Committee  
Minutes of December 8, 1999



Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Site of the Application

Reference file:

A-99:191

Scale

Not to Scale

Date

Nov., 1999

Technician:

B. B.

APPENDIX 'A'



Appendix "F" referred to in  
Section 4(b) of the Planning and  
Development Committee  
Minutes of December 8, 1999

**APPENDIX "**  
**REVISED PLANNING FEES**

<b><u>SERVICE</u></b>	<b><u>CURRENT FEE</u></b>	<b><u>2000 FEE</u></b>
1. Land Division Consent Fee	\$800	\$825
2. Land Division Consent Application Re-Circulation Fee	N/A	\$102
3. Land Division Deed Certification	N/A	\$102
4. Land Division Consent Extension or Deferral	N/A	\$ 25
5. Land Division Consent Appeal	N/A	\$425
6. Committee of Adjustment Appeal	N/A	\$210
7. Subdivision/Condominium Application Maintenance Fee (for files over 3 years old)	N/A	\$210
8. Extensions to Site Plan Approval	N/A	\$255



**The Planning and Development Committee met in Special Session.**

**There were present:** Alderman F. D'Amico, Chairperson  
Aldermen G. Copps  
Alderman F. Eisenberger  
Alderman M. Haining  
Alderman M. Caplan  
Alderman R. Corsini  
Alderman B. Kelly

**Regrets:** Mayor R. Morrow, Civic Business  
Alderman B. Charters, Civic Business

**Also present:** Alderman A. Horwath  
Alderman M. Kiss  
Alderman D. O'Sullivan  
L. Coveyduck, General Manager, Community Planning and  
Development Division  
Guy Paparella, Planning and Development  
Kevin Nutley, Real Estate Division  
Dave Powers, Corporate Counsel  
Tina Agnello, Secretary

**1. ST. MARK'S REVIEW COMMITTEE**

St. Mark's Church Property- Proposed New Use (no copy)

The Chairman advised that a special meeting will be held the week prior to the regularly scheduled meeting in January 2000. This meeting is to be held in the evening. The report will be made available to the public prior to the meeting

A motion was placed on the floor to rezone the property as public space and was defeated.

**The Committee subsequently suspended the rules of order to hear 3 previously unscheduled items.**

**2. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT  
DIVISION AND ACTING DIRECTOR DEPARTMENT OF PUBLIC WORKS AND  
TRAFFIC**

Reuse of the Former Plastimet Site, 361, 363 and 371 Wellington Street North,  
North End East Neighbourhood (PDC99160)

Alderman Horwath and Alderman Corsini commended the hard work and effort of staff in putting this report together.

As recommended in a report dated December 10, 1999 the Committee recommended to Council as follows:

- (a) That "Open Space/Park/Recreation" be endorsed as the preferred potential future land use for the former Plastimet site located at 361, 363 and 371 Wellington Street North in the North End East Neighbourhood;



- (b) That the Department of Public Works and Traffic Parks Division be authorized to begin a public consultation process with the Neighbourhood to determine the specific attributes and amenities of a potential future park;
- (c) That City staff continue to work with Ministry of the Environment staff to investigate expeditious clean-up of the site and all opportunities for cost savings; and,
- (d) That an application be made to the Federal Government to secure a "Millennium Grant" in relation to said possible future land use.

**3. Part Lot Control 99-13, Losani Homes Ltd.- Tiffany Phase 3**

Guy Paparella advised that this recommendation is to rectify a situation where a house was built too close to the lot line.

The Committee recommended to Council as follows:

- (a) That approval be given to Part Lot Control Application 99-13, Losani Homes Limited, owner, to remove part-lot control for Lots 38 – 42, located in "Tiffany, Phase 3", Registered Plan 62M-884, for lands known municipally as 11, 5, 1, 2, and 6 Cordingly Court, for the purpose of revising lot lines, as shown on the attached map marked as Appendix "A";
- (b) That the by-law, to remove part lot control from Lots 38 – 42, inclusive, located in "Tiffany, Phase 3", Registered Plan 62M-884, be enacted by Council;
- (c) That the exempting by-law be restricted to a 3 month effective time period to expire on March 15, 2000;
- (d) That following the enactment of this by-law, the Director, Land Development, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

**4. CN STATION**

the General Manager advised that this recommendation has been brought forward because some of the proposed used on the property are no longer required.

Whereas Canadian National Railway applied for a change in zoning for lands known as 360 James Street North and the Labourer's International Union of North America (LIUNA) has subsequently purchased the subject lands and assumed responsibility for finalizing the zoning application;

And Whereas a public meeting of the Planning and Development Committee was held on June 23, 1999 to consider the proposed changes in zoning, and that the Planning and Development Committee recommended to Council approval of Zoning Application 99-09;

And Whereas City Council, at its meeting of July 29, 1999, adopted the recommendation of the Planning and Development Committee to approve Zoning Application 99-09;

And Whereas the purpose of Zoning Application 99-09 was to provide for changes in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H"- 'H' (Community Shopping and Commercial, etc. – Holding) District (Block "1") and "A" (Conservation, Open Space and Parkland) District (Block "2") to permit the conversion of the existing building for use as a training centre, restaurant, office, retail and entertainment uses and the construction of a new building for



use as a 120 bed residential care facility and a day nursery for 30 children and open space uses;

And Whereas LIUNA, by way of Site Plan Control Application 99-50, has deleted the residential care facility and day nursery component of the proposed adaptive reuse of the existing buildings on the subject lands;

And Whereas the Ontario Heritage Foundation have advised that they are in support of the restoration and renovation project for the subject lands and that revitalization of the former CN Railway station is considered to be of considerable value to the community and the proposed adaptive reuse of the existing buildings is considered to be a good use of the space;

And Whereas City Council, at its meeting of September 28, 1999, approved the application for a Heritage Permit for the subject lands in accordance with the applicable provisions of the Ontario Heritage Act;

And Whereas based on Site Plan Control Application 99-50, no new buildings are proposed for the lands known as 360 James Street North;

And Whereas the revised redevelopment concept is a less intense use than the redevelopment concept considered at the public meeting of the Planning and Development Committee held on June 23, 1999, and that the revised proposal complies with the City of Hamilton Official Plan;

That Therefore Item 1 of the Thirteenth Report (1999) of the Planning and Development Committee is amended as follows:

- (a) That Subsection 1.(a) be deleted in its entirety and replaced with the following:

"(a) That Block "1" be rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "H" (Community Shopping and Commercial, etc.) District;"

- (b) That Subsection 1.(c)(i)(1) be deleted and replaced with the following:

"(1) a restaurant, but not a drive-thru or take-out restaurant, banquet hall, training school, lodge, trade union hall, and business or professional person's offices shall be permitted within the buildings and structures existing on the day of the passing of the by-law;"

- (c) That Subsection 1.(c)(i)(1)(aa) be deleted in its entirety and replaced with the following:

"(aa) the external appearance and character of the existing buildings shall be preserved and maintained;"

- (d) That Subsection 1.(c)(i)(1)(bb) be deleted in its entirety and replaced with the following:

"(bb) the banquet hall, including any areas for the preparation and cooking of food, shall have a maximum gross floor area of 2,680 square metres;"

- (e) That Subsection 1.(c)(i)(1)(dd) be deleted in its entirety and replaced with the following:

"(dd) the business or professional person's offices shall have a maximum gross floor area of 2,210 square meters;"



- (f) That Subsection 1.(c)(i)(1)(ee) be deleted in its entirety and replaced with the following:

“(ee) the training school, including accessory offices and classrooms, shall have a maximum gross floor area of 1,200 square meters;”
- (g) That Subsection 1.(c)(i)(2) be deleted in its entirety;
- (h) That Subsection 1.(c)(i)(3) be deleted in its entirety;
- (i) That Subsection 1.(c)(iii) be deleted in its entirety;
- (j) That Subsection 1.(c)(iv) be deleted in its entirety;
- (k) That Subsection 1.(c)(i)(1)(ee) be deleted in its entirety and replaced with the following:

“(ee) A visual barrier having a height of not less than 1.8 m or greater than 2.0 m shall be provided and maintained along any lot line abutting a railway right-of-way.”
- (l) That Subsection 1.(c)(viii) be deleted in its entirety;
- (m) That Subsection 1.(d) be deleted in its entirety.

## 5. ADJOURNMENT

There being no further business the Committee meeting adjourned.

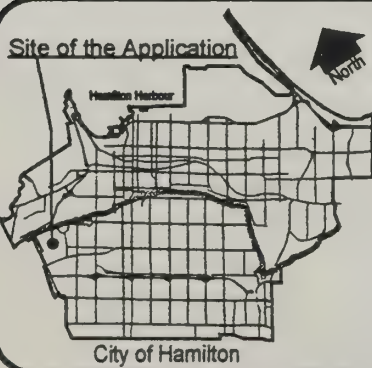
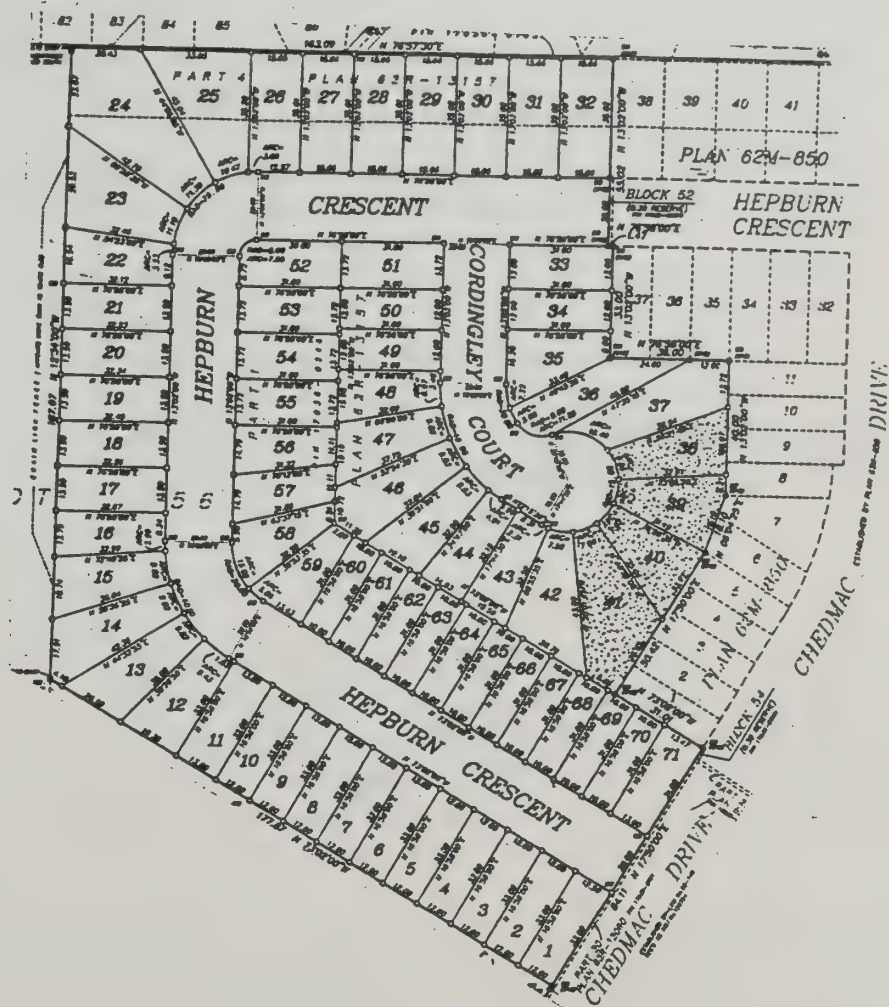
Taken as read and approved.

Alderman F. D'Amico, Chairman  
Planning and Development Committee

Tina Agnello  
Secretary



Appendix "A" referred to in Section 3 of the Planning and Development Committee Minutes of December 14, 1999.



PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

### Legend



Subject Lands

Reference file:  
**PLC-99-13**

Scale  
**Not to Scale**

Date  
**Dec., 1999**

Technician:  
**D.L.**

**Location Map**







# CITY OF HAMILTON

3.1

## - RECOMMENDATION -

**DATE:** 1999 December 20  
ZAC-99-26  
Bruleville Neighbourhood

**REPORT TO:** Chairman and Members of the  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning & Development Division

**SUBJECT:** Request for an Official Plan Amendment and change in zoning for  
lands located at 844 Upper Wentworth Street (PDC99068)

### RECOMMENDATION:

- (a) That approval be given to Official Plan Amendment No. to establish a new Special Policy Area to permit an aesthetics and beauty salon within the "Residential" designation, on lands known as 844 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", and that the Corporate Counsel be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application ZAC-99-26, Skinder Shelly Sohal, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, to permit an aesthetics and beauty salon within the existing single family dwelling, for property located at 844 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A" on the following basis:
  - (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District – Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;
  - (ii) That the subject lands be rezoned from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc. - Holding) District;



- (iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - (1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses will be permitted:
    - (a) An aesthetics and beauty salon only within the existing building;
    - (b) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
  - (2) That a minimum 3.0 m wide landscape strip, and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line;
  - (3) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly and southerly lot lines;
  - (4) That a minimum 1.38 m wide landscape strip shall be provided and maintained along the easterly lot line except for any area used for vehicular access;
  - (5) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, not less than four (4) parking spaces shall be provided and maintained on the subject lands;
  - (6) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a parking space length of not less than 5.8 m shall be provided and maintained;
  - (7) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and
  - (8) Section 18A(26) of Zoning By-law No. 6593 shall not apply.
- (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18 be notated S- ;
- (v) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;



- (vi) That the proposed change and modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. by the Region of Hamilton-Wentworth; and,
- (vii) Upon approval of the Official Plan Amendment and implementing Zoning By-law, the Bruleville Neighbourhood Plan be amended by redesignating the subject lands from "Commercial/Residential Conversion" to "Commercial".

*Lee Ann Carey Leach*

#### EXPLANATORY NOTE:

An Official Plan Amendment is required to establish a Special Policy Area to permit an aesthetics and beauty salon within the "Residential" designation, for lands located at 844 Upper Wentworth Street.

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc. - Holding) District for lands located at 844 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit an aesthetics and beauty salon only within the existing building.

In addition, the By-law provides for the following variances as special requirements:

- Permits an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
- Requires a minimum 3.0 m wide landscape strip, and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height to be provided and maintained along the westerly lot line;
- Requires a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height to be provided and maintained along the northerly and southerly lot lines;
- Requires a minimum 1.38 m wide landscape strip to be provided and maintained along the easterly lot line except for any area used for vehicular access;
- Permits the minimum length of a parking space to be 5.8 m, whereas a minimum length of 6.0 m is required;
- Requires a minimum of four (4) parking spaces to be provided and maintained on the subject lands;
- Permits parking in the required front yard; and,



- Exempts the requirement that an access drive be located a minimum of 3.0 m from a residential district.

In addition, the amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District – Modified provisions as stipulated in the amending by-law once the condition is fulfilled.

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

#### **BACKGROUND:**

- Proposal

The applicant had originally proposed using the existing building for a real estate office for 4 to 5 employees. The application was scheduled for the September 22, 1999 Planning and Development Committee meeting. Prior to the application being circulated, the applicant advised that he did not want to proceed with the application at that time. Subsequently, the applicant advised he would like to proceed on the basis of converting the existing dwelling for an aesthetics and beauty salon with up to five (5) employees. Four (4) parking spaces are proposed in the front yard and one (1) space in the southerly side yard (see APPENDIX "B" attached).

- Land Severance Application B-98:60 and Committee of Adjustment Application A-98:241 – 844 Upper Wentworth

On September 2, 1998, the Committee of Adjustment approved an application (B-98-60) to sever the subject lands zoned "AA" (Agricultural) District from the lands to the west zoned "C" (Urban Protected Residential, etc.) District on the condition that applicant receive final approval of any required variances. Subsequently, the Committee of Adjustment, on November 11, 1998, approved application A-98-241 to permit the existing dwelling on the subject lands with a rear yard depth of 7.7 m instead of the required 10.5 m.



- Official Plan Amendment No. 150 and By-law No. 98-261 – 852 Upper Wentworth Street

Hamilton-Wentworth Region, on December 3, 1998 approved Official Plan Amendment No. 150 which amended Special Policy Area 68 to permit limited commercial uses within the existing building for 852 Upper Wentworth Street. City Council, on May 26, 1998, passed By-law No. 98-251, which amended By-law Nos. 95-111 and 97-153, to permit general offices and a kitchen cabinet showroom on the first and second floor with a maximum gross floor area of 288 m<sup>2</sup>.

- Official Plan Amendment No. 129, By-laws No. 95-111 and 97-153 and DA-95-24 – 852 Upper Wentworth Street

Hamilton-Wentworth Region, on December 5, 1995, approved Official Plan Amendment (OPA) No. 129, which established Special Policy Area 68 to permit, in addition to residential uses, general offices and home improvement uses with the intent of a mixed residential/commercial property.

City Council, on May 9, 1995, passed By-law No. 95-111 which rezoned the subject lands from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. – Holding) District, modified to permit general offices and a kitchen cabinet showroom on the first and second floor with a maximum total gross floor area of 95 m<sup>2</sup> (1022.6 square feet), and permit one dwelling unit on the second floor.

The 'H' Holding provision was imposed subject to the applicant applying for and receiving approval for a Site Plan Control Application. On July 26, 1996 site Plan Control Application DA-95-24 was approved. Subsequently, By-law No. 97-153 was by passed by City Council to remove the 'H' Holding provision.

- By-law No. 96-068 – 832 Upper Wentworth Street

By-law No. 96-068, passed by Council on April 30, 1996, rezoned the subject lands from the "AA" (Agricultural) District to the "C" – 'H' (Urban Protected Residential, etc. – Holding) District, modified.

The effect of the By-law is to permit the use of the subject lands for a hearing aid dispensing office only on the ground floor of the existing building, and one residential unit having a maximum gross floor area of 95m<sup>2</sup> (1,000 sq. ft.) in the basement.

The 'H' Holding provision was applied to prohibit development until such time as a Site Plan Control Application has been approved.

- By-law No. 92-305 – 860 Upper Wentworth Street

City Council on December 8, 1992, passed By-law No. 92-305 which rezoned the lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "C" – 'H' (Urban Protected residential, etc. – Holding) District.



The effect of the By-law is to permit a dental office only on the first floor of the existing building with a maximum gross floor area of not more than 95m<sup>2</sup>, and one dwelling unit on the second floor.

The 'H' holding provision, which was subsequently removed by By-law No. 93-088, required that the applicant/owner apply for and receive approval of a Site Plan Control application.

Committee of Adjustment, on December 15, 1993, denied an application (A-93-233) for a minor variance on these lands to permit the expansion of the dental office from 95m<sup>2</sup> to 116m<sup>2</sup>. A subsequent application to the Committee of Adjustment (A-95-237) to increase the gross floor area of the dentist office to 116.12m<sup>2</sup> was also denied.

- By-law No. 89-274 – 836 Upper Wentworth Street

By-law No. 89-274 was passed by City Council on September 26, 1989, and rezoned the lands from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District, modified.

The effect of the By-law is to permit a medical office within the existing building.

#### **APPLICANT:**

Skinder Shelly Sohal, owner.

#### **LOT SIZE AND AREA:**

The subject lands have:

- a frontage of 11.89 m on Upper Wentworth Street;
- a depth of 36.96 m; and,
- an area of 439.45 m<sup>2</sup>.

#### **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Land</u>	Single family dwelling	"AA" (Agricultural) District



### Surrounding Lands

To the north	Vacant, single family dwelling	"AA" (Agricultural) District, and "C" Urban Protected Residential, etc.) District, modified
To the east	Commercial	"HH" (Restricted, Community Shopping and Commercial, etc.) District
To the south	Single family dwelling	"AA" (Agricultural) District
To the west	Single family dwellings	"C" (Urban Protected Residential, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated "Residential" on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3      Within areas designated for RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:
  - iv)      Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Stations, in accordance with the Commercial policies as set out in Subsection A.2.2 of this Plan.
- A.2.2.25      The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

Based on the foregoing, the proposal conflicts with the intent of the Official Plan. Approval of the application would require an amendment to establish a Special Policy Area to permit the proposed aesthetics and beauty salon in a "Residential" designation.



## NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial/Residential Conversion" in the approved Bruleville Neighbourhood Plan. The intent of this designation is to permit up to 1,000 square feet of professional offices or commercial uses within the existing building. A proposal of more than 1,000 square feet will require an amendment to the approved Neighbourhood Plan to redesignate the lands to "Commercial". The Neighbourhood Plan also requires a minimum 3.0 m planting strip along the westerly lot line.

## COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advises they have no objection.
- The Public Works and Traffic Department advises:

"We have no objection to the proposed change in zoning to permit the proposed real estate office. With reference to the preliminary plan, we provide the following comments.

The submitted plan shows four parking spaces to be located in the front yard. The provision of the additional landscape areas required by the Zoning By-law will reduce the number of parking spaces and generate a need for additional variances to the Zoning by-law related to parking space size and/or the size of manoeuvring space. Further comments will be provided upon receipt of the subsequent Site Plan Application."

In response to the amended application:

" We have no objection to the proposed modification in zoning and Official Plan Amendment to permit the proposed beauty salon. Our comments of 1999 July 5 regarding the preliminary site plan still apply."

- The Community Planning and Development Division (Building) advises:

"1. The proposed use of a real estate office is not permitted.

2. The southerly side yard is reduced in width by columns projecting into the yard, therefore it has an insufficient width for parking.

3. The concrete porch extends the full width of the existing dwelling and projects into the front yard, therefore the remaining front yard depth may not be sufficient to provide four (4) parking spaces having 2.7m in width. Furthermore, the width of the lot is insufficient to provide parking spaces having a length of 6.0m and a manoeuvring space of 6.0m.

4. The total floor area of the building has not been provided to determine if the use requires a minimum number of parking or loading spaces."

The Building Department had no further comments on the amended application.



- The Community Planning and Development Division (Development Engineering) advises:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Upper Wentworth Street is 36.58m. The Region previously acquired the required road allowance widenings adjacent to the subject lands. Therefore we do not anticipate any further road allowance widenings at this time.

The subject lands are approximately 11.89 metres in width and it appears that there will be landscape strips on the sides of the lot and landscape strips required along the Upper Wentworth Street road allowance limits, as widened. It would appear from our review of the preliminary site plan that the number of parking spaces and maneuvering for the spaces will be reduced.

It is our opinion that the approval of commercial/office space development adjacent to major arterial roadways, such as Upper Wentworth Street, which may require vehicles to either back into or out of the property, is undesirable.

Any fences, objects or mature vegetation (excluding existing trees) on private property and within 3m for the Upper Wentworth Street road allowance limits, as widened, should be no higher than 0.60m above the corresponding perpendicular centreline elevation of Upper Wentworth Street.

Any other works within the Upper Wentworth Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

The Development Engineering Section advised that there previous comments apply to the amended application.

## COMMENTS:

1. The proposal conflicts with the intent of the Official Plan which designates the subject lands "Residential". Approval of the application would require an amendment to establish a "Special Policy Area" to permit and aesthetics and beauty salon in a "Residential" designation.
2. The proposal conflicts with the intent of the Approved Bruleville Neighbourhood Plan which designates the subject lands "Commercial/Residential Conversion". The intent of this designation is to permit up to 1,000 square feet of professional offices or commercial uses within the existing building, whereas the proposal is to use the entire building (1,567 sq. ft.) for an aesthetics and beauty salon. Approval of the application would require a Neighbourhood Plan amendment to redesignate the lands "Commercial".
3. Since 1992, the Planning and Development Committee and City Council have approved four (4) applications for "Commercial/Residential Conversion" along this portion of Upper Wentworth Street (see BACKGROUND). Generally, staff



supported the applications where the "Commercial" use did not exceed 1,000 square feet as per the intent of the approved Bruleville Neighbourhood Plan. The most recent application (ZAC-97-33) was to permit conversion of the entire building (288m<sup>2</sup> or 3,100 sq. ft.) for general offices and a kitchen cabinet showroom. Committee approved the application on the basis the proposed uses were consistent with established commercial development along Upper Wentworth Street.

In this regard, the proposed aesthetics and beauty salon (1,567 sq. ft.) is no less feasible and is consistent with current Council policy.

4. Based on a preliminary concept plan, approval of the application would require the following variances:

#### **Parking**

The applicant submitted a preliminary concept plan (see APPENDIX "B" attached) which showed a total of five (5) parking spaces (four in the front yard and one in the southerly side yard). Based on the Building Department's comments, there is insufficient width to accommodate a parking space in the side yard. Further, the subject lands are not wide enough to accommodate the required minimum 6.0 m manoeuvring space and the minimum 6.0 m length of a parking space.

An alternate concept plan was developed (see APPENDIX "C" attached) which deleted the parking space in the southerly side yard thereby reducing the number of parking spaces to four (4). However, based on the gross floor area of the proposed beauty salon only one (1) parking space is required. On this basis, a variance is required to reduce the minimum length of the parking spaces from 6.0 m to 5.8 m.

#### **Buffering and Screening**

In keeping with the design requirements of the approved Bruleville Neighbourhood Plan, a minimum 3.0 m landscape planting strip and a visual barrier of not less than 1.2 m and not more than 2.0 m in height should be provided and maintained along the westerly lot line adjacent to the future low density residential development.

In keeping with the "Landscape Requirements for Commercial Uses", visual barriers of not less than 1.2 m and not more than 2.0 m in height should be provided and maintained along the northerly and southerly lot lines. In addition, a minimum 1.38 m landscape planting strip should be provided and maintained along the easterly lot line except for any area used for vehicular access.

#### **Others**

Section 18A(14) permits parking in the front yard for single family dwellings erected prior to December, 1971, under specific regulations. These regulations were designed for residential uses, however the proposed uses are for an



aesthetics and beauty salon, with no residential uses. In addition, there is insufficient room in the rear yard to accommodate any parking. On this basis, this variance can be supported.

Section 18A(26) of the By-law requires that an access driveway to a non-residential use be located not less than 3.0 m from the common boundary with the residential district. The existing driveway is located adjacent to the residential district to the south which is currently developed with a single family dwelling. On this basis, it is appropriate to delete this requirement from the proposal.

5. The subject lands are not subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233. Based on comments from the Traffic Division and the Development Engineering Section, it is appropriate to place the subject lands under site Plan controls so that matters relating to parking layout, grading, landscaping, etc. can be reviewed.
6. The subject lands should be placed in a holding zone, by introducing the holding symbol 'H' suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as Site Plan Control Application has been submitted and approved. City Council may remove the 'H' symbol, and thereby give effect to the "C" District – Modified provisions as stipulated in the by-law by enactment of an amending By-law once the condition is fulfilled.

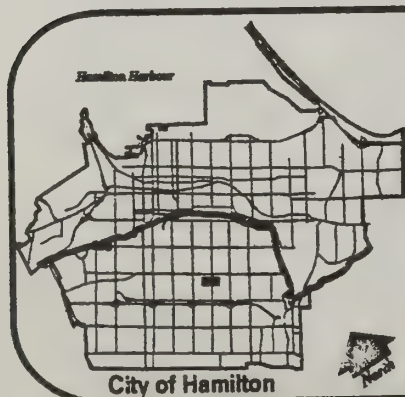
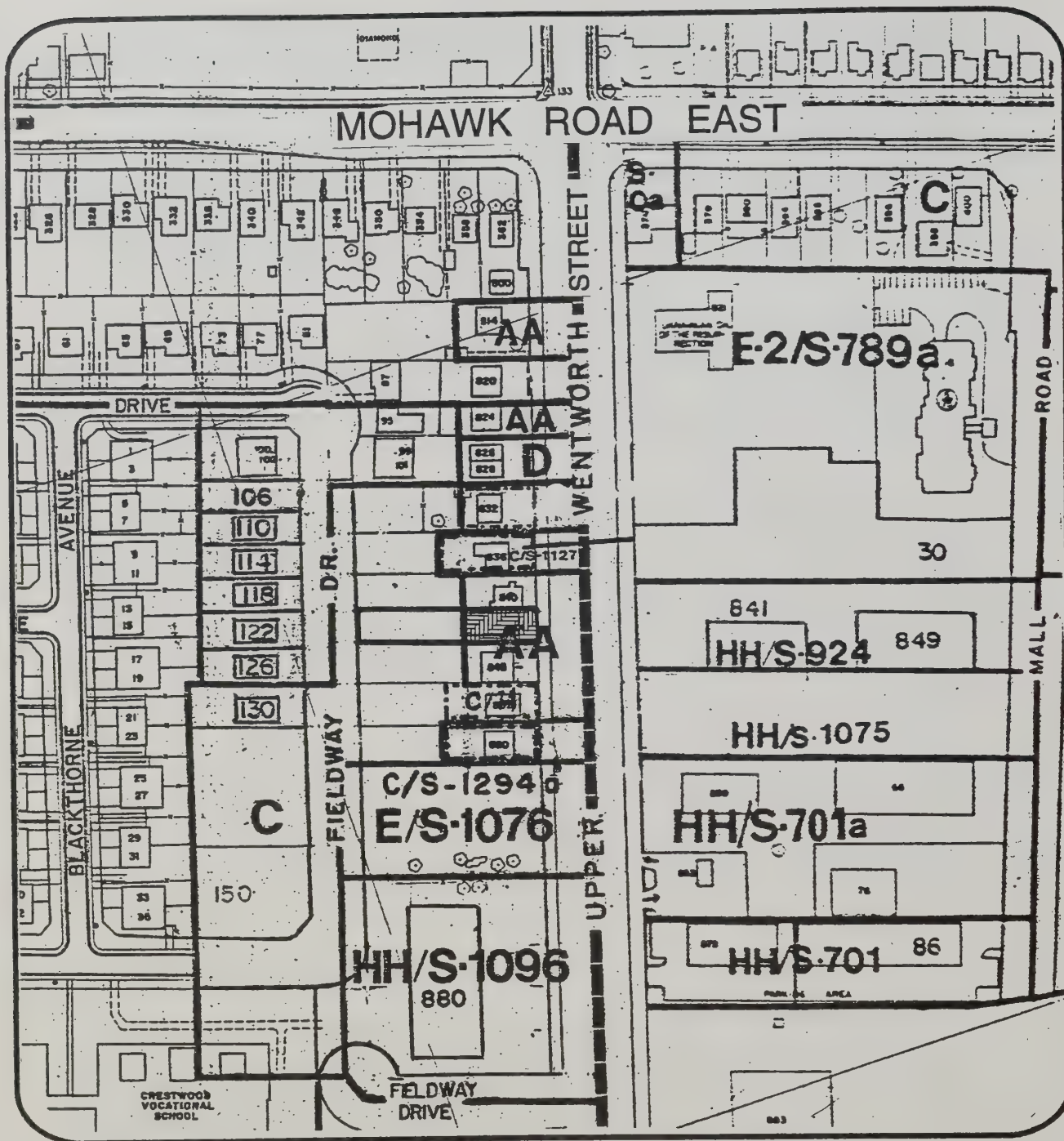
## **CONCLUSION:**

Based on the foregoing, the amended application can be supported.

CLF/

ZAC-99-26





PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

### Legend



Change in zoning from:

"AA" (AGRICULTURAL) TO  
"C" (URBAN PROTECTED RESIDENTIAL  
ETC.) DISTRICT, MODIFIED.

Reference file:

**ZAC-99-26**

Scale

**Not to Scale**

Date

**JUNE, 1999**

Technician:

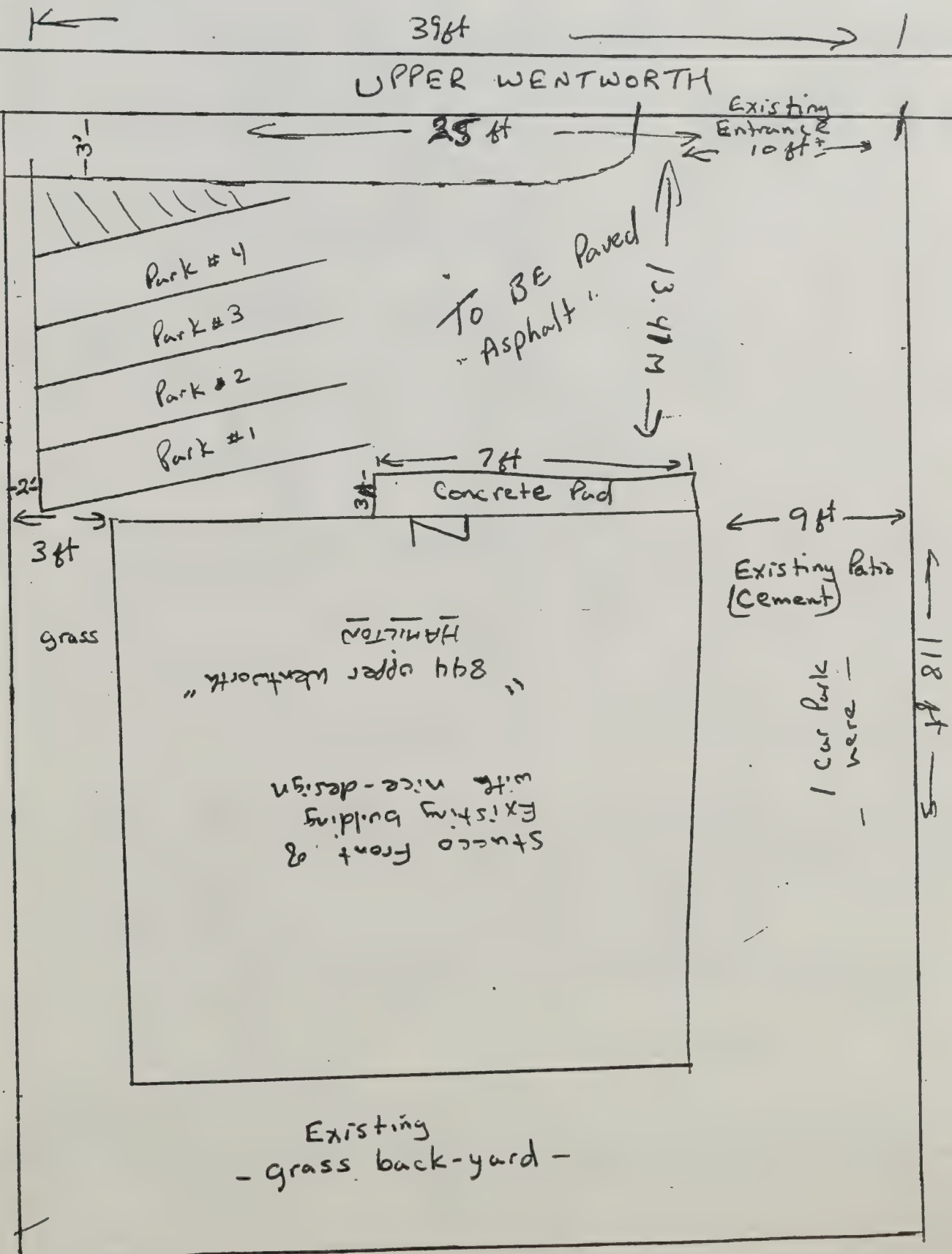
**FAB**

**APPENDIX A**



Proposal

APPENDIX "B"



All measurement are approximate.



ZONING

ZONING

TOWNSHIP

PIN

No.

16975 - 0020

PIN

No.

16975 - 0018

APPROX. LIMIT  
BETWEEN ZONES

ZONING

WIDENED LIMIT

PART 9  
PLAN  
62R-5049

PART 7  
PLAN  
62R-5049

ORIGINAL LIMIT

UPPER WENTWORTH STREET

(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 10 AND 11)

(REG)

(BY BY-

66.44 ±

3.3 ±

0.47

0.54

66.44 ±

N 70°57'00" W

11.89 ±  
N 17°30'00" E

Chimney  
0.33x2.01

7.76

7.98

1.27

2 STOREY  
BRICK DWELLING  
MUN. NO. 844

35.96 ±  
N 70°57'00" W

BRICK DWELLING  
NO. 848

FRAME  
PORCH

1.28

4

3

2

1

11.18

5.69m

11.89 ±

N 70°57'00" W

N 70°57'00" W

8.23

8.23



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 December 16  
ZAC-99-38  
Sheldon Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a change in zoning for lands located at 164 Rymal Road West (PDC00004)

**RECOMMENDATION:**

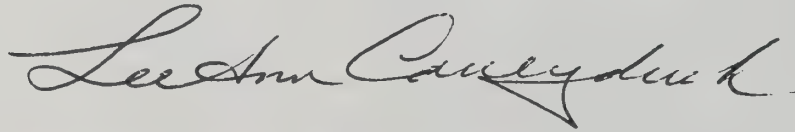
- (a) That approval be given to Amended Zoning Application ZAC-99-38, Demetre Dekaneas, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located at 164 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
  - (ii) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
  - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the 164 Rymal Road West, as shown on the attached map marked as APPENDIX "A".



The effect of the By-law is to permit the use of the subject lands for five single family dwellings in conjunction with the abutting lands to the east, known as "Westview Estates" plan of subdivision.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

**BACKGROUND:**

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject lands for five single family dwellings in conjunction with the abutting lands to the east known as the "Westview Estates" plan of subdivision (see APPENDIX "B").

"Westview Estates"

City Council, at its meeting of August 21, 1996, approved Subdivision Application 95-06 for lands known municipally as 150 and 158 Rymal Road West. The subdivision received draft plan approval on October 25, 1996 and the first phase of the subdivision was registered on April 3, 1998 (see APPENDIX "C") as Plan 62M-839.

A condition of draft plan approval was that the lands shown as Blocks 19 – 23, inclusive (as shown on APPENDIX "C") are to be developed in conjunction with the abutting lands. In this regard, the applicant has acquired the necessary lands to create building lots.

Severance Applications B-99:45 and B-99:46

Severance Applications B-99:98, B-99:99 and B-99:100 were approved on December 15 1999. The purpose of the severance applications was as follows:

- Application B-99:98 is to convey Parts 2 - 6 to be added to the abutting lands to the east for residential purposes and to retain Part 1 to be added to the abutting lands to the east for future residential and open space purposes. In addition, to retain Part 7 having a frontage on Rymal Road West of 25.30m and a lot area of 1195m<sup>2</sup>.
- Application B-99:99 is to convey Part 5 to be added to Block 20 of Registered Plan



62M-839 for residential purposes and to retain Parts 6 and 4 to be added to Blocks 19 and 21 respectively of Registered Plan 62M - 839 for residential purposes.

- Application B-99:100 is to convey Part 3 to be added to Block 22 of Registered Plan 62M-839 for residential purposes and to retain Part 2 to be added to Block 23 of Registered Plan 62M - 839 for residential purposes.

The combined effect of the severance applications will be the creation of 5 new building lots fronting on Alexsia Court, the retention of Part 1 for future residential development, and Part 7, which is occupied by the single family dwelling known municipally as 164 Rymal Road West.

The applications were approved subject to, among other conditions, the applicant receiving final approval of Zoning Application ZAC-99:38.

***APPLICANT:***

Demetre Dekaneas, prospective owner.

***AGENT:***

Urbex Engineering Ltd. (Attn: Anj Cameracci)

***LOT SIZE AND AREA:***

The subject lands are rectangular in shape and have:

- 25.3 m of lot width;
- 209.77 m of lot depth; and
- a lot area of 4,990 m<sup>2</sup>.

***LAND USE AND ZONING:***

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<u>Subject Lands</u>	Single Detached Dwelling and Vacant lands	"AA" (Agricultural) District
<u>Surrounding Land Use</u>		
to the north	Open Space (City of Hamilton McConnell Park)	"AA" (Agricultural) District



to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the west	Single Detached Dwellings and Vacant Lands	"AA" (Agricultural) District
to the east	Single Detached Dwellings and Vacant Lands	"C" (Urban Protected Residential, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single and Double " Residential and "Park and Recreational" in the approved Sheldon Neighbourhood Plan. The proposed change in zoning complies with the approved Neighbourhood Plan.

### **COMMENTS RECEIVED:**

- The Traffic Division, Department of Public Works and Traffic has advised of the following:  
  
"Please be advised that we have reviewed the above application and find it satisfactory."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department and the Regional Environment Department have verbally advised that they have no objection to the proposed change in zoning.

### **COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and approved Sheldon Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:

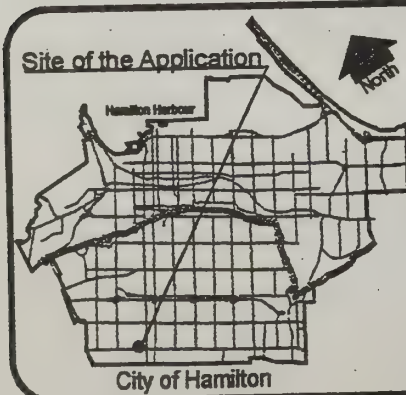
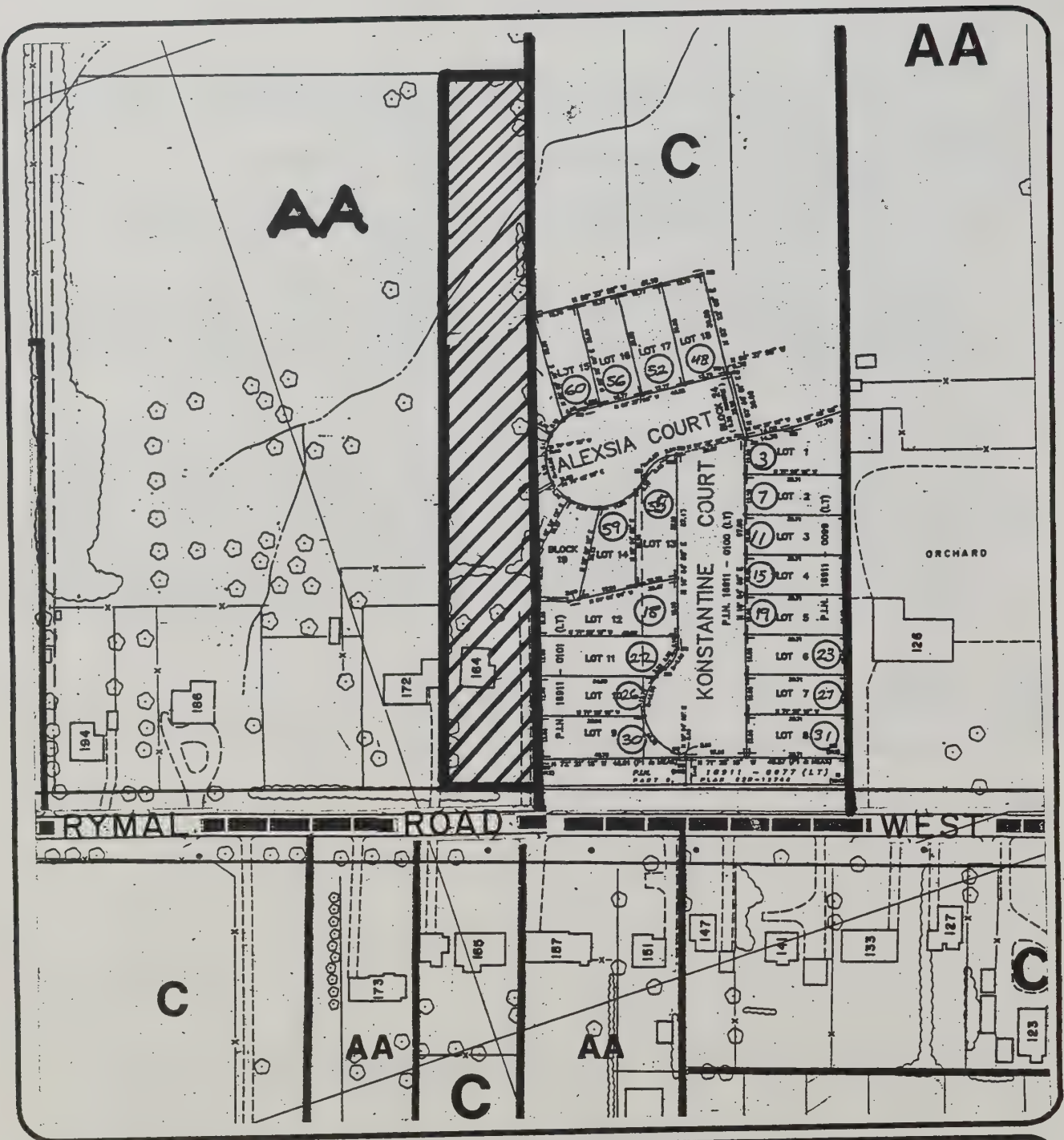


- i) it implements the intent of the Official Plan and the Sheldon Neighbourhood Plan;
  - ii) it is consistent with planned development in accordance with the "Westview Estates" subdivision; and,
  - iii) it would be compatible with the abutting and planned residential uses.
3. The proposed change in zoning implements the conditions of draft plan approval for "Westview Estates". As part of the conditions of draft plan approval Blocks 19 to 23, inclusive, are to be developed in conjunction with the abutting lands to create a building lots for single detached dwellings (see attached APPENDIX "B").
4. The northerly portion of the subject lands (approximately 18 m in depth) are designated "Park and Recreational" in the approved Sheldon Neighbourhood Plan. In this regard, as a condition of applicable severance applications, the applicant is required to dedicate these lands to the City of Hamilton as part of the modified subdivision agreement. As the park is presently zoned, and to avoid a dual zoning situation on the park, the Zoning Application has been revised to delete these lands from the rezoning application.

**CONCLUSION:**

Based on the foregoing, the application can be supported.





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

Change in Zoning from:

 "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

Reference file:  
**ZAC-99-38**

Scale  
**Not to Scale**

Date  
**Dec., 1999**

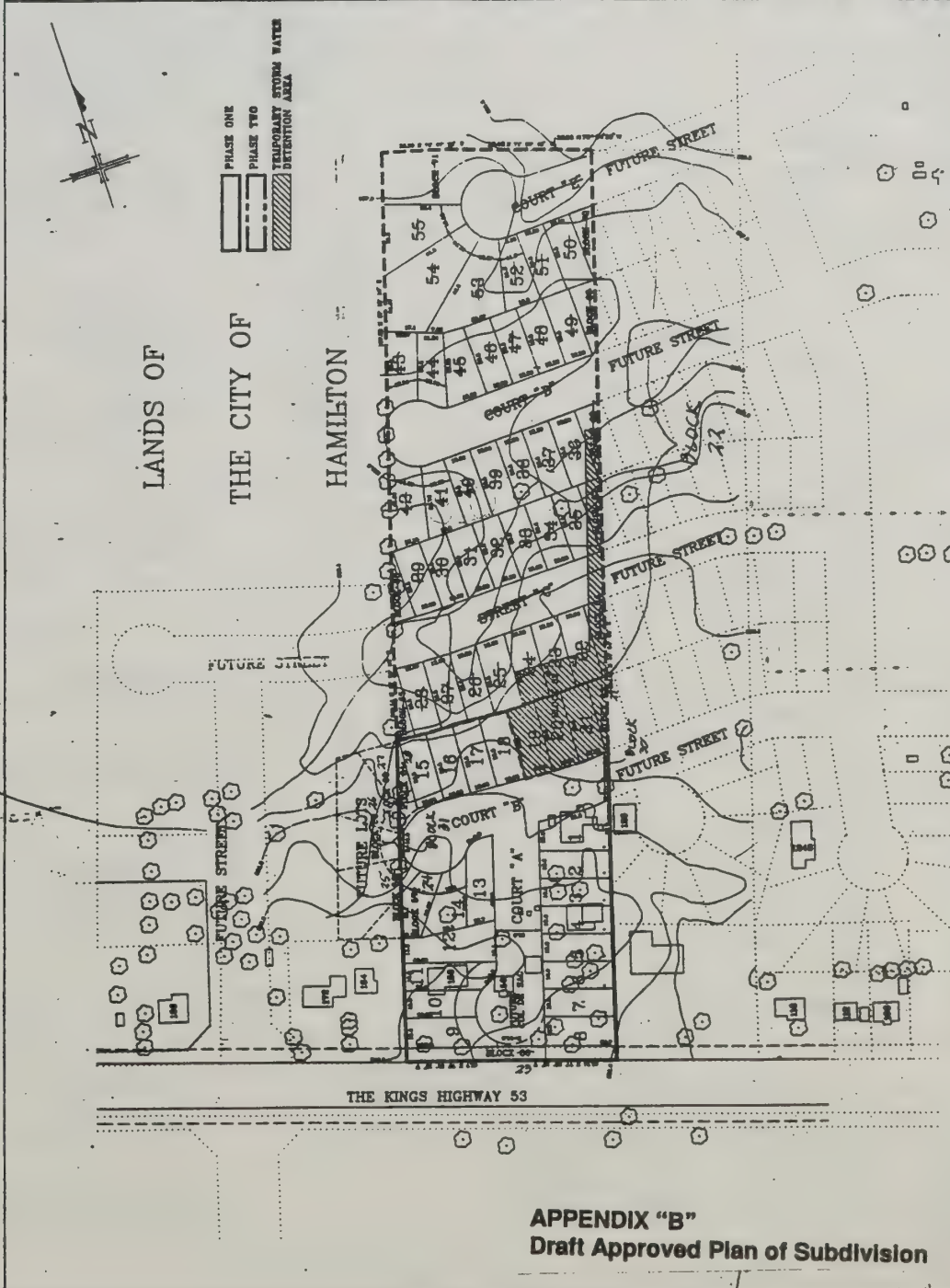
Technician:  
**B. B.**

**APPENDIX 'A'**



# APPENDIX 'B'

<b>PROPOSED DRAFT PLAN OF SUBDIVISION FOR VESTVIEW ESTATES</b> HAMILTON, ONTARIO THIS PLAN IS FOR THE SUBDIVISION OF LAND IN THE CITY OF HAMILTON, ONTARIO, AND IS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND THE HAMILTON ZONING BY-LAW.	
<b>LAND USE SCHEDULE</b> RESIDENTIAL - SINGLE DETACHED DWELLINGS RESIDENTIAL - TOWNHOMES RESIDENTIAL - APARTMENTS COMMERCIAL - RETAIL COMMERCIAL - OFFICE INDUSTRIAL - LIGHT INDUSTRIAL - MEDIUM DENSITY INDUSTRIAL - HEAVY DENSITY AGRICULTURAL OPEN SPACE PARKS AND RECREATION UTILITIES TRANSPORTATION WATER AND SEWERAGE OTHER	<b>LAND USE SCHEDULE</b> RESIDENTIAL - SINGLE DETACHED DWELLINGS RESIDENTIAL - TOWNHOMES RESIDENTIAL - APARTMENTS COMMERCIAL - RETAIL COMMERCIAL - OFFICE INDUSTRIAL - LIGHT INDUSTRIAL - MEDIUM DENSITY INDUSTRIAL - HEAVY DENSITY AGRICULTURAL OPEN SPACE PARKS AND RECREATION UTILITIES TRANSPORTATION WATER AND SEWERAGE OTHER
<b>TEMPORARY STORM WATER DETENTION AREA</b> PHASE ONE PHASE TWO	<b>TEMPORARY STORM WATER DETENTION AREA</b> PHASE ONE PHASE TWO





M-839

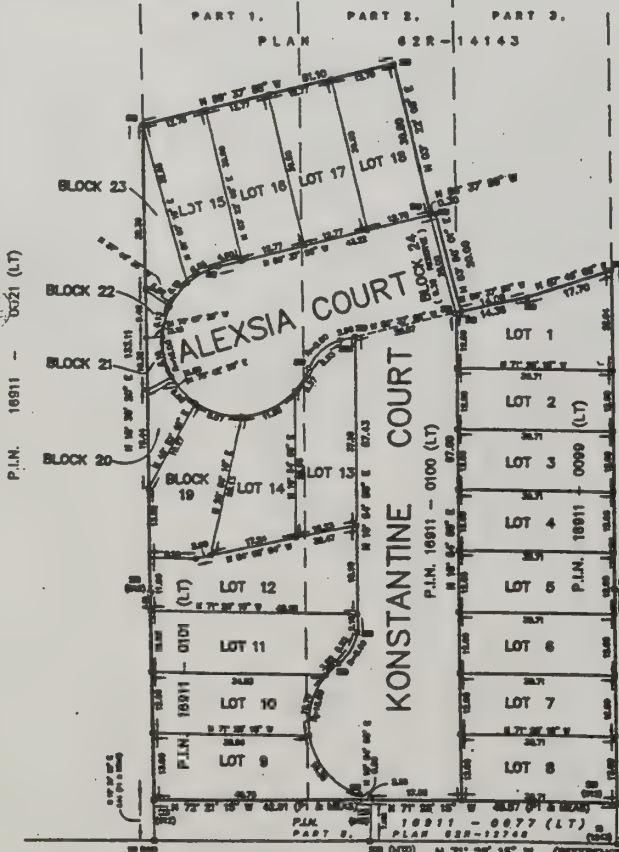
ALEXSIA COURT / KONSTANTINE COURT

25T-95007

PLAN OF  
**WESTVIEW ESTATES  
PHASE 1**  
BEING A PLAN OF SUBDIVISION OF  
PART OF LOT 16  
CONCESSION 8  
GEOGRAPHIC TOWNSHIP OF BARTON  
IN THE  
**CITY OF HAMILTON**  
REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH  
SCALE 1 : 500

J. P. WOOLLEY SURVEYING LTD.

1. P. WOOLLEY SURVEYING LTD.



**RYMAL ROAD WEST**  
(ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD - REGIONAL ROAD No. 153)  
P.L.N. 10011 - 0077 (LT)

CURVE TABLE				CURVE TABLE			
BEARING	CHORD	ARC	RADIUS	BEARING	CHORD	ARC	RADIUS
N 21° 27' 00" W	10.074	10.375	10.000	N 89° 10' 00" E	0.200	0.200	10.000
N 20° 27' 00" E	12.467	12.771	10.000	N 88° 10' 00" E	0.400	0.400	10.000
N 19° 27' 00" E	14.860	15.164	10.000	N 87° 10' 00" E	0.600	0.600	10.000
N 18° 27' 00" E	17.253	17.557	10.000	N 86° 10' 00" E	0.800	0.800	10.000
N 17° 27' 00" E	19.646	19.950	10.000	N 85° 10' 00" E	1.000	1.000	10.000
N 16° 27' 00" E	22.039	22.343	10.000	N 84° 10' 00" E	1.200	1.200	10.000
N 15° 27' 00" E	24.432	24.736	10.000	N 83° 10' 00" E	1.400	1.400	10.000
N 14° 27' 00" E	26.825	27.129	10.000	N 82° 10' 00" E	1.600	1.600	10.000
N 13° 27' 00" E	29.218	29.522	10.000	N 81° 10' 00" E	1.800	1.800	10.000
N 12° 27' 00" E	31.611	31.915	10.000	N 80° 10' 00" E	2.000	2.000	10.000
N 11° 27' 00" E	34.004	34.308	10.000	N 79° 10' 00" E	2.200	2.200	10.000
N 10° 27' 00" E	36.397	36.701	10.000	N 78° 10' 00" E	2.400	2.400	10.000
N 9° 27' 00" E	38.790	39.094	10.000	N 77° 10' 00" E	2.600	2.600	10.000
N 8° 27' 00" E	41.183	41.487	10.000	N 76° 10' 00" E	2.800	2.800	10.000
N 7° 27' 00" E	43.576	43.880	10.000	N 75° 10' 00" E	3.000	3.000	10.000
N 6° 27' 00" E	45.969	46.273	10.000	N 74° 10' 00" E	3.200	3.200	10.000
N 5° 27' 00" E	48.362	48.666	10.000	N 73° 10' 00" E	3.400	3.400	10.000
N 4° 27' 00" E	50.755	51.059	10.000	N 72° 10' 00" E	3.600	3.600	10.000
N 3° 27' 00" E	53.148	53.452	10.000	N 71° 10' 00" E	3.800	3.800	10.000
N 2° 27' 00" E	55.541	55.845	10.000	N 70° 10' 00" E	4.000	4.000	10.000
N 1° 27' 00" E	57.934	58.238	10.000	N 69° 10' 00" E	4.200	4.200	10.000
N 0° 27' 00" E	60.327	60.631	10.000	N 68° 10' 00" E	4.400	4.400	10.000
N 0° 27' 00" E	62.720	63.024	10.000	N 67° 10' 00" E	4.600	4.600	10.000
N 0° 27' 00" E	65.113	65.417	10.000	N 66° 10' 00" E	4.800	4.800	10.000
N 0° 27' 00" E	67.506	67.810	10.000	N 65° 10' 00" E	5.000	5.000	10.000
N 0° 27' 00" E	69.899	70.203	10.000	N 64° 10' 00" E	5.200	5.200	10.000
N 0° 27' 00" E	72.292	72.596	10.000	N 63° 10' 00" E	5.400	5.400	10.000
N 0° 27' 00" E	74.685	74.989	10.000	N 62° 10' 00" E	5.600	5.600	10.000
N 0° 27' 00" E	77.078	77.382	10.000	N 61° 10' 00" E	5.800	5.800	10.000
N 0° 27' 00" E	79.471	79.775	10.000	N 60° 10' 00" E	6.000	6.000	10.000
N 0° 27' 00" E	81.864	82.168	10.000	N 59° 10' 00" E	6.200	6.200	10.000
N 0° 27' 00" E	84.257	84.561	10.000	N 58° 10' 00" E	6.400	6.400	10.000
N 0° 27' 00" E	86.650	86.954	10.000	N 57° 10' 00" E	6.600	6.600	10.000
N 0° 27' 00" E	89.043	89.347	10.000	N 56° 10' 00" E	6.800	6.800	10.000
N 0° 27' 00" E	91.436	91.740	10.000	N 55° 10' 00" E	7.000	7.000	10.000
N 0° 27' 00" E	93.829	94.133	10.000	N 54° 10' 00" E	7.200	7.200	10.000
N 0° 27' 00" E	96.222	96.526	10.000	N 53° 10' 00" E	7.400	7.400	10.000
N 0° 27' 00" E	98.615	98.919	10.000	N 52° 10' 00" E	7.600	7.600	10.000
N 0° 27' 00" E	101.008	101.312	10.000	N 51° 10' 00" E	7.800	7.800	10.000
N 0° 27' 00" E	103.401	103.705	10.000	N 50° 10' 00" E	8.000	8.000	10.000
N 0° 27' 00" E	105.794	106.098	10.000	N 49° 10' 00" E	8.200	8.200	10.000
N 0° 27' 00" E	108.187	108.491	10.000	N 48° 10' 00" E	8.400	8.400	10.000
N 0° 27' 00" E	110.580	110.884	10.000	N 47° 10' 00" E	8.600	8.600	10.000
N 0° 27' 00" E	112.973	113.277	10.000	N 46° 10' 00" E	8.800	8.800	10.000
N 0° 27' 00" E	115.366	115.670	10.000	N 45° 10' 00" E	9.000	9.000	10.000
N 0° 27' 00" E	117.759	118.063	10.000	N 44° 10' 00" E	9.200	9.200	10.000
N 0° 27' 00" E	120.152	120.456	10.000	N 43° 10' 00" E	9.400	9.400	10.000
N 0° 27' 00" E	122.545	122.850	10.000	N 42° 10' 00" E	9.600	9.600	10.000
N 0° 27' 00" E	124.938	125.243	10.000	N 41° 10' 00" E	9.800	9.800	10.000
N 0° 27' 00" E	127.331	127.635	10.000	N 40° 10' 00" E	10.000	10.000	10.000

ALL SET MONUMENTS ARE IRON BARS  
UNLESS OTHERWISE NOTED



PLAN 62M - 839

I CERTIFY THAT THIS PLAN 62M - 839  
IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE  
LAND TITLES DIVISION OF WENTWORTH (No. 62) AT  
3:41 O'CLOCK ON THE 03 DAY OF JULY 19 93  
AND ENTERED IN THE REGISTER FOR PROPERTY  
IDENTIFIER 100-100-000-000 AND THE REQUIRED  
CONSENTS ARE REGISTERED AS  
PLAN DOCUMENT No. LT-44644

LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF WENTWORTH (No. 62)

THIS PLAN CONVEYS PART OF THE LAND SHOWN ON PROPERTY  
IDENTIFICATION NUMBER 100-100-000-000, S.T.S. 100-100-000-000 AND  
100-100-000-000  
SUBJECT TO AN EASEMENT AS SET OUT IN LT-44644

APPROVED UNDER SECTION 80 OF THE PLANNING  
ACT BY THE COMMISSIONER OF THE ENVIRONMENT  
OF THE REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH THIS 22ND DAY  
OF JULY 1993  
*C. O'Hara*  
COMMISSIONER OF THE ENVIRONMENT  
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH  
AUTHORIZED BY 97-140 No. 100-171

#### OWNER'S CERTIFICATE

- THIS IS TO CERTIFY THAT:
- LOTS 1 TO 10 BOTH INCLUDING BLOCKS 19 TO 23  
WITHIN THE RESERVE FAMILY BLOCK 24 AND THE  
SERVICED FAMILY ALONG COURT & KONSTANTINE COURT HAVE  
BEEN Laid OUT IN ACCORDANCE WITH MY INSTRUCTIONS.
  - THE STREETS ARE HEREBY DEDICATED TO THE  
COMMISSIONER OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS.

DATED THE 22ND DAY OF JULY 1993

*C. O'Hara*  
REGISTERED SURVEYOR

#### METRIC NOTE

ALL DIMENSIONS ARE GIVEN IN METRIC AND CAN BE CONVERTED  
TO IMPERIAL FEET BY DIVIDING BY A FACTOR OF 0.3048

#### BEARING NOTE

BEARINGS GIVEN HEREON ARE TRUE BEARINGS AND ARE REFERRED  
TO THE MERIDIAN LINE OF TRUE. ROAD BEARS ARE GIVEN ON  
PLAN NO. 100-100-000-000 BEARING A BEARING OF N 77° 27' 00" E.

#### LEGEND

- 1. SERVICED PLANNED HIGHWAY
- 2. SERVICED PAVED HIGHWAY
- 3. SERVICED STONEWALL FENCE
- 4. SERVICED FENCE
- 5. SERVICED CONCRETE HIGHWAY
- 6. P.A.S.
- 7. SERVICED PAVED HIGHWAY
- 8. SERVICED PLAN 100-100-000-000 BY J. P. WOOLLEY S.L.S.

#### SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEY ACT AND THE SURVEYOR'S ACT AND THE  
LAND TITLES ACT AND THE REGULATIONS THEREUNDER.
  - THE SURVEY WAS COMPLETED ON THE  
22ND DAY OF JULY 1993

*J. P. Woolley*  
DATE 22 JUL 1993  
J. P. WOOLLEY S.L.S.  
REGISTERED LAND SURVEYOR

J. P. WOOLLEY SURVEYING LTD.  
125 HARRIS STREET, CALEDONIA, ONTARIO

APPENDIX "C"  
Registered Plan of Subdivision - Phase 1











# CITY OF HAMILTON

4.1

## - RECOMMENDATION -

**DATE:** 1999 December 9  
CDM-CONV-99-003  
North End West Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Ms. Lee Ann Coveyduck, M.C.I.P., R.P.P.  
General Manager,  
Community Planning & Development Division

**SUBJECT:** Proposed Draft Plan of Condominium -  
Condominium Conversion, 23-25 Macauley Street West  
(PDC00001)

### RECOMMENDATIONS:

- (a) That approval be granted to application CDM-CONV-99-003 (Regional File 25CDM-99014) submitted by Emilia Fazekas, owner, for a draft plan of condominium for the property located at Nos. 23-25 Macauley Street West as shown on the attached Plan marked as APPENDIX "A", to provide for a condominium comprised of 5 individual townhouse condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated January 4, 1999 (APPENDIX "A") prepared by B.A. Jacobs Surveying Ltd.;
  - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to Corporate Counsel, including, but not limited to:
    - 1) a condition which states that the portion of the parking within the Macauley Street West road allowance remains at the pleasure of City of Hamilton Council;
    - 2) a condition that states the City has the authority to rescind the agreement and have the parking removed from the road allowance;
    - 3) a condition that states it will be the sole responsibility of the Condominium Corporation to revise the approved plans, as required, to remove parking spaces P-1 to P-6 inclusive from the Plan.



- (iii) That prior to approval of the final plan:
  - 1) the property taxes shall be in good standing and the draft plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan; and,
  - 2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593, namely, the non-conformity related to the provision of the six (6) required parking spots having a minimum dimension of 2.7m x 6.0m.
- (iv) That the applicant/owner enter into a Boulevard Parking Agreement with the City of Hamilton; and,
- (b) That the Municipal Clerk be directed to advise the Director of the Land Development Department of the Community Planning & Development Division of Council's decision.

*Lee Ann Cauley Luck*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

This application is processed under the authority of the Planning Act and the Condominium Act.

**BACKGROUND:**

**Applicant:**

Emilia Fazekas, owner.

**Surveyor:**

Bryan Jacobs O.L.S., B.A. Jacobs Surveying Ltd.

**Location:**

The 5-unit townhouse structure is known municipally as 23-25 Macauley Street West (see APPENDIX "B").



**Proposal:**

On September 30, 1997, the owner made an application to the City under the Rental Housing Protection Act (RHPA) to convert the 5-unit townhouse structure to condominium status (CD-97-006). On January 27, 1998, City Council approved the RHPA application to remove the 5 townhouse units from the rental market subject to certain conditions being incorporated in a registered agreement on title.

The applicant has satisfied all conditions established by the City of Hamilton in regard to the RHPA application and the Municipal Clerk issued the "Certificate of Approval" on October 26, 1999. The submission of the proposed Plan of Condominium will complete the process established by the applicant under the RHPA to legally change the building to condominium status.

**CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**

**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

**Hamilton Official Plan:**

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies

This conversion was originally considered under the more restrictive provisions of the Rental Housing Protection Act. The staff report concluded "the proposed conversion to condominium of the 5 rental townhouse units will not cause and adverse impact on the supply of affordable rental housing in the City of Hamilton and the Central Zone."

The rental townhouse vacancy rate as of October, 1998 was recorded at 8.50% in the City of Hamilton and 8.68% as of October, 1997. In this regard, since the time the original staff report was prepared, there has been no marked change in rental housing market conditions in the City and the original conclusion remains valid.

**Neighbourhood Plan:**

The subject lands are designated as "Single & Double" in the North End West Approved Neighbourhood Plan. The lands will be redesignated to "Attached Housing" at an appropriate time to reflect the existing townhouse situation.

**Zoning:**

The Building Department has commented as follows:

1. The six (6) required parking spaces must be provided complete on the lot having a minimum dimension of 2.7m x 6.0m.



## COMMENTS FROM CIRCULATION:

The Roads Department, Transportation, Operations and Environment Division advised the following:

"No comments."

The Development Engineering Section, Land Development Department advised the following:

### "INFORMATION

1. For the information of the applicant/owner, the existing chain link fence encroaches into the Macauley Street west road allowance. This encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.
2. According to the plans submitted by the applicant, only a portion of each required parking space will be provided on private property with the remainder of the parking spot to be provided on the boulevard through a boulevard parking agreement with the City of Hamilton.
3. As the applicant may be aware, any boulevard parking within the Macauley Street West road allowance through an appropriate agreement remains at the pleasure of the City of Hamilton Council.
4. There are existing Municipal services to service this development directly.
5. For the information of the owner, any other works within the road allowance must conform to the City of Hamilton Streets By-law.

### RECOMMENDATIONS

1. That the applicant/owner enter into a Boulevard Parking Agreement with the City of Hamilton.
2. That a clause be inserted into the Condominium Corporation Agreement/ Document which states that the portion of the parking within the Macauley Street west road allowance remains at the pleasure of City of Hamilton Council. The clause must also state the City has the authority to rescind the agreement and have the parking removed from the road allowance. It will be the sole responsibility of the Condominium Corporation to revise the approved plans, as required, to remove parking spaces P-1 to P-6 inclusive from the Plan.

The submitted plan as prepared by Bryan Jacobs, O.L.S. stamped with the date January 4, 1999 is satisfactory to the Community Planning and Development Division subject to the above comments and recommendations."

The Finance/Treasury Department advised the following:

"OK, Realty Tax paid to date."



The Traffic Division, Department of Public Works and Traffic advised the following::

"The submitted plan represents the existing conditions related to the provision of parking that appears to have been in place for some time. Although the provision of parking in this fashion which includes an 18.0 metre driveway approach ramp does not meet our typical design standards, we are prepared to allow the existing layout to continue. We recommend that as condition of approval, the applicant be required to finalize the required Commercial Boulevard Parking Agreement. In addition, we are prepared to support the necessary variances to allow the existing parking layout and number of spaces to continue."

#### COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan or the Hamilton Zoning By-law.
2. The proposed conversion was evaluated and approved by City Council on January 27, 1998 under the provisions of the Rental Housing Protection Act. No concerns were identified in terms of adverse effect on the rental housing marketplace or on the supply of affordable rental housing in the City or the Central Housing Market Zone.
3. All conditions and requirements set out by the City in the context of the Rental Housing Protection Act approval have been undertaken to the satisfaction of Corporate Counsel. Accordingly, the "Certificate of Approval" required under the RHPA was issued by the Municipal Clerk on October 26, 1999.
4. Approval of the proposed Plan of Condominium will complete the process established by the applicant in September, 1997 for converting the 5-unit townhouse structure to condominium status.

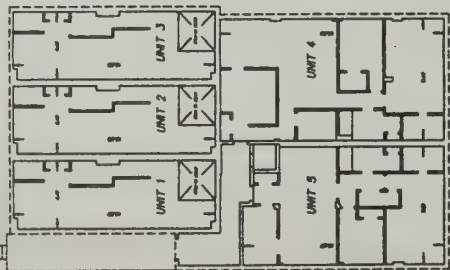
#### CONCLUSION:

On the basis of the foregoing, the proposed plan of condominium for 23-25 Macauley Street West can be supported.

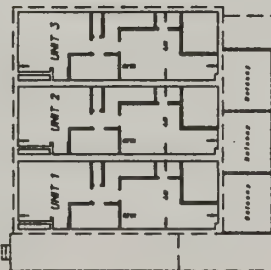
KE/ke



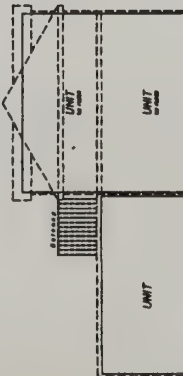
UNIT CONFIGURATION FOR LEVEL 1 - (GROUND FLOOR) (see note 1)



UNIT CONFIGURATION FOR LEVEL 1 - (SECOND FLOOR) (see note 1)



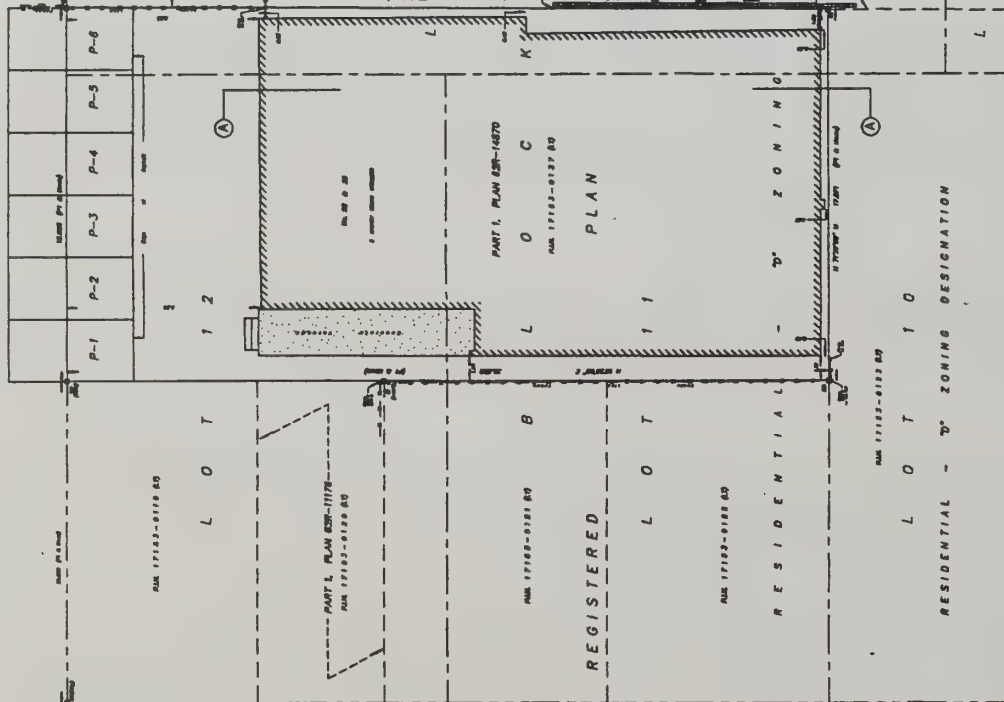
SECTION "A-A" (see note 1)



MACAULAY STREET

(FOR MEASURED PLAN SEE PLAN 17162-0110 B.D.)

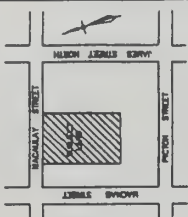
5' 11" 10" 0" (SEE NOTE 1)



MACNAB STREET

(FOR MEASURED PLAN SEE PLAN 17162-0110 B.D.)

KEY PLAN



DEVELOPMENT OF  
PART OF LOTS 11, 12 & 13  
BLOCK 8  
REGISTERED PLAN 127

AND ALLAN HANSEN BROS. STORIES  
BEING A PROPOSED CONDOMINIUM IN THE  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF  
HAMILTON - WESTWORTH

SCALE 1" = 20'

CONSOLI & JACOB SURVEYING LTD.  
ONTARIO LAND SURVEYORS

ARTIST'S NOTE  
THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.

BEARING NOTE  
ALL BEARINGS ARE TO THE TRUE NORTH.

LEGEND  
SOLID LINE - WALL  
DOTTED LINE - WINDOW  
DASHED LINE - DOOR  
HATCHED AREA - CONCRETE

NOTES  
1. THE SHOWN PLAN IS TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON.

NOTES  
2. THE SHOWN PLAN IS TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON.

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3. THE SHOWN PLAN IS TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON.

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16. THE SHOWN PLAN IS TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON.

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17. THE SHOWN PLAN IS TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON.

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19. THE SHOWN PLAN IS TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON.

NOTES  
20. THE SHOWN PLAN IS TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON.











**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 December 13  
Stipeley Neighbourhood  
A-99:200

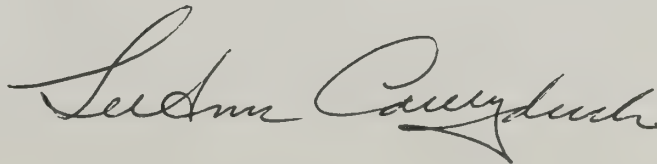
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Authorization for Staff Attendance at an Ontario Municipal Board  
Hearing - 83 Rosemont Avenue (PDC00002)

**RECOMMENDATION:**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:200, respecting property located at No. 83 Rosemont Avenue, as shown on attached map marked as APPENDIX "A".



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

**BACKGROUND:**

Committee of Adjustment Application A-99:200 has recently been appealed to the Ontario Municipal Board. At its meeting of October 27, 1999, the Committee accepted Development Planning staff's recommendation and denied the application.



The application was to allow the required parking in the front yard notwithstanding 0% of the front yard would be landscaped instead of the minimum required 50% landscaped area.

The Zoning By-law permits front yard parking for dwellings constructed prior to December 14, 1971, to alleviate parking difficulties in older neighbourhoods. However, all one, two and three family dwellings must maintain a minimum of 50% of the front yard as landscaped area. The 50% landscape requirement was established in 1992 to protect the character of residential areas. In this regard, the elimination of the required front yard landscaping could create an adverse impact on the character of the residential streetscape.

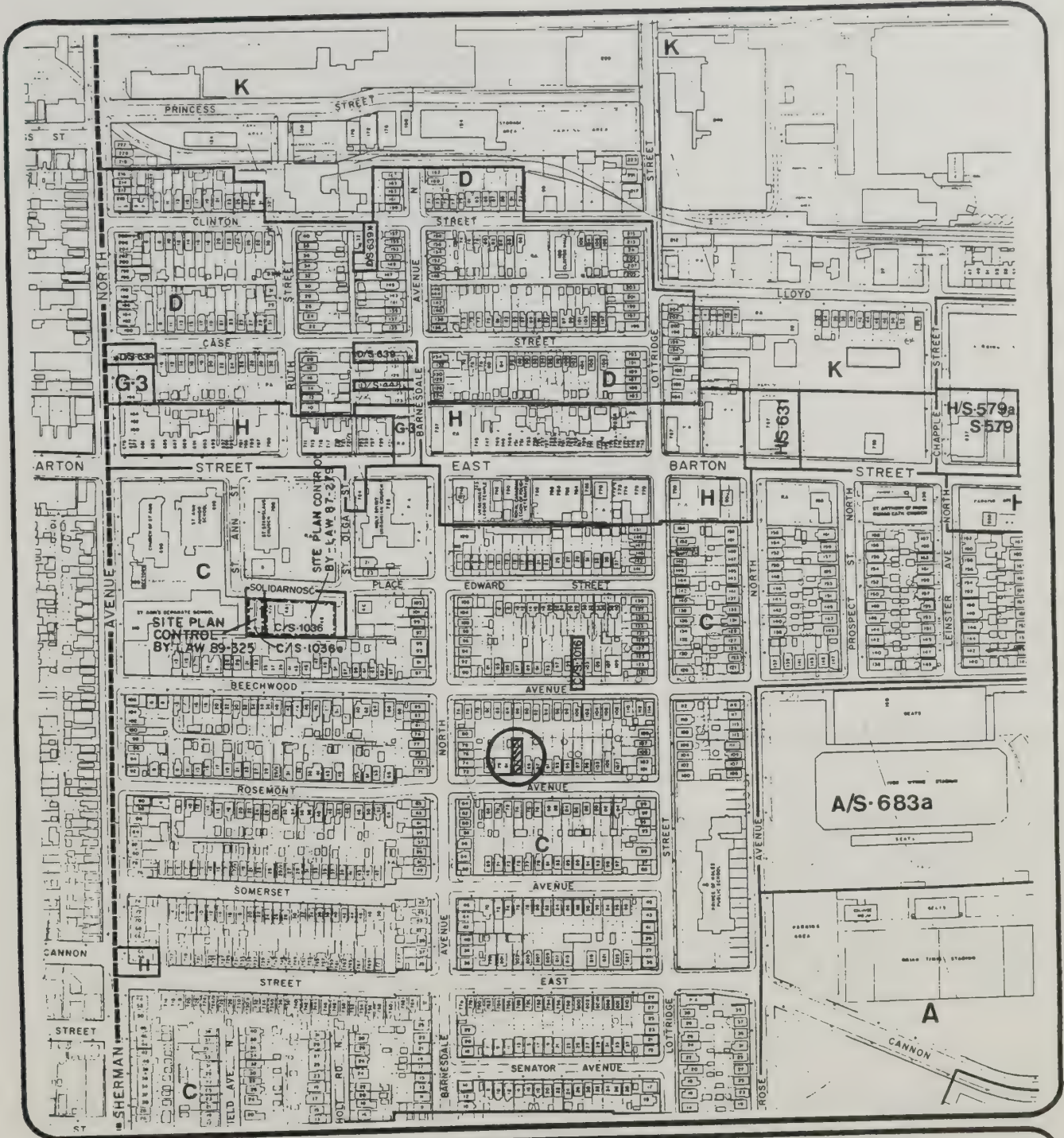
Based on the foregoing, the proposal was not considered to be minor in nature or in keeping with the general intent and purpose of the Zoning By-law.

#### **CONCLUSION:**

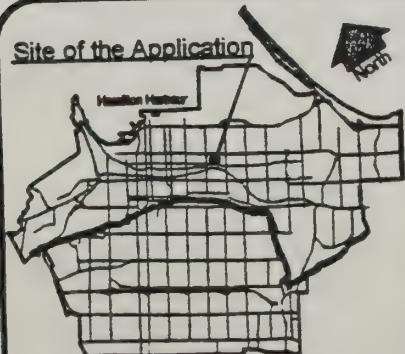
Consistent with current practice in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

JG/





Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Site of the Application

Reference file:  
A-99:200

Scale  
Not to Scale

Date  
Dec., 1999

Technician:  
B. B.

APPENDIX 'A'







# CITY OF HAMILTON - RECOMMENDATION -

**DATE:** 1999 December 20  
ZAC-99-22  
Quinndale Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

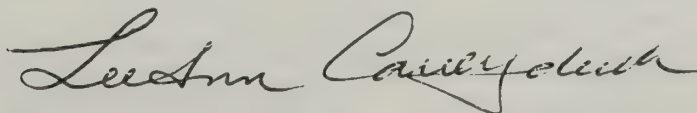
**SUBJECT:** Revision to By-law No. 99-103 for lands located on the south side of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive (PDC00003)

**RECOMMENDATION:**

- A. That Section 5 of By-law No. 99-103 be repealed in its entirety and replaced with a new subsection as follows:  
  
"5. Sheet No. E-49B of the District Maps is amended by marking the lands referred to in section 1 of this By-law as S- 1429a."
- B. That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council; and,
- C. That the proposed modification to Zoning By-law No. 99-104 is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to replace the S-number on By-law No. 99-103 from S-1428 to S-1429a for lands located on the south side of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive, as shown on the attached map marked as APPENDIX "A".



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

In accordance with the City of Hamilton Official Plan, a public meeting is not required for a technical revision to a Zoning By-law.



**BACKGROUND:**

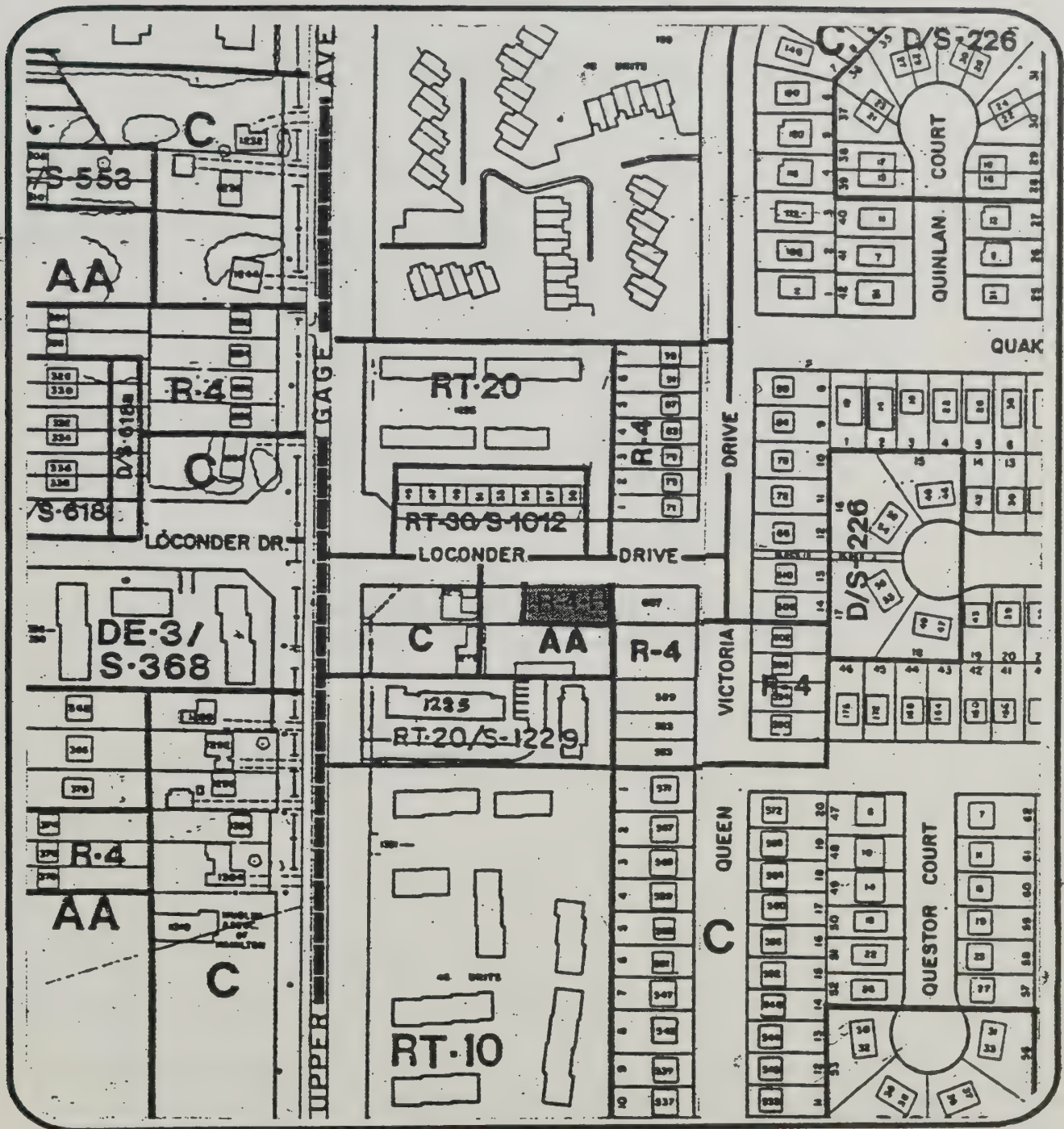
City Council, at its meeting of July 6, 1999 passed By-law Nos. 99-103 and 99-104. As both by-laws were prepared concurrently, they were inadvertently assigned the same site specific exemption number (i.e. S-1428). As each of the by-laws relate to separate parcels of land and contain different site specific zoning provisions, it is necessary to revise Zoning By-law No. 99-103 to provide for the correct "S" number.

Under the provisions of Section D.9.3 of the Official Plan, a public meeting is not required for a minor amendment to the Zoning By-law. A minor amendment is for formatting change or to correct a typographical error. The proposed revision to the "S" number for By-law No. 99-103 is to correct a typographical error, and as such, a public meeting of the Planning and Development Committee is not required.

**CONCLUSION:**

Based on the foregoing, the revision to Zoning By-law No. 99-103 can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

### Legend



REMOVAL OF HOLDING PROVISIONS  
FROM "R-4"-H ( SMALL LOT SINGLE  
FAMILY DETACHED HOLDING ) DISTRICT  
TO "R-4" (SMALL LOT SINGLE FAMILY  
DETACHED ) DISTRICT, MODIFIED

Reference File:  
ZAC-99-22

Scale  
Not to Scale

Date

MAY 1999

Technician:  
FAB

APPENDIX A







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

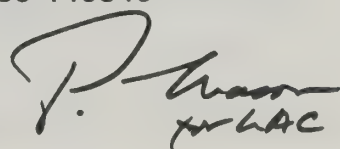
**DATE:** 1999 December 16

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
901 SCENIC DRIVE - Tag Number 99-140340  
(99.1.1.A) (PDC-00005)

**RECOMMENDATION:**



That the Building Commissioner be authorized to issue a demolition permit for 901 Scenic Drive in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** B (Map W-36)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and construct a new single family dwelling. As of this date, a building permit application has not been submitted to this department to replace the single family dwelling. This property is in the Mountainview Neighbourhood and is located on the southwest corner of Scenic Drive and Crescent Road which is in Ward 8. No LACAC interest. Lot size 35.63m x 83.11m.

The owner of the property and applicant as per the demolition permit is:

Corrado Crugnale  
901 Scenic Drive  
Hamilton, Ontario L9C 1H7

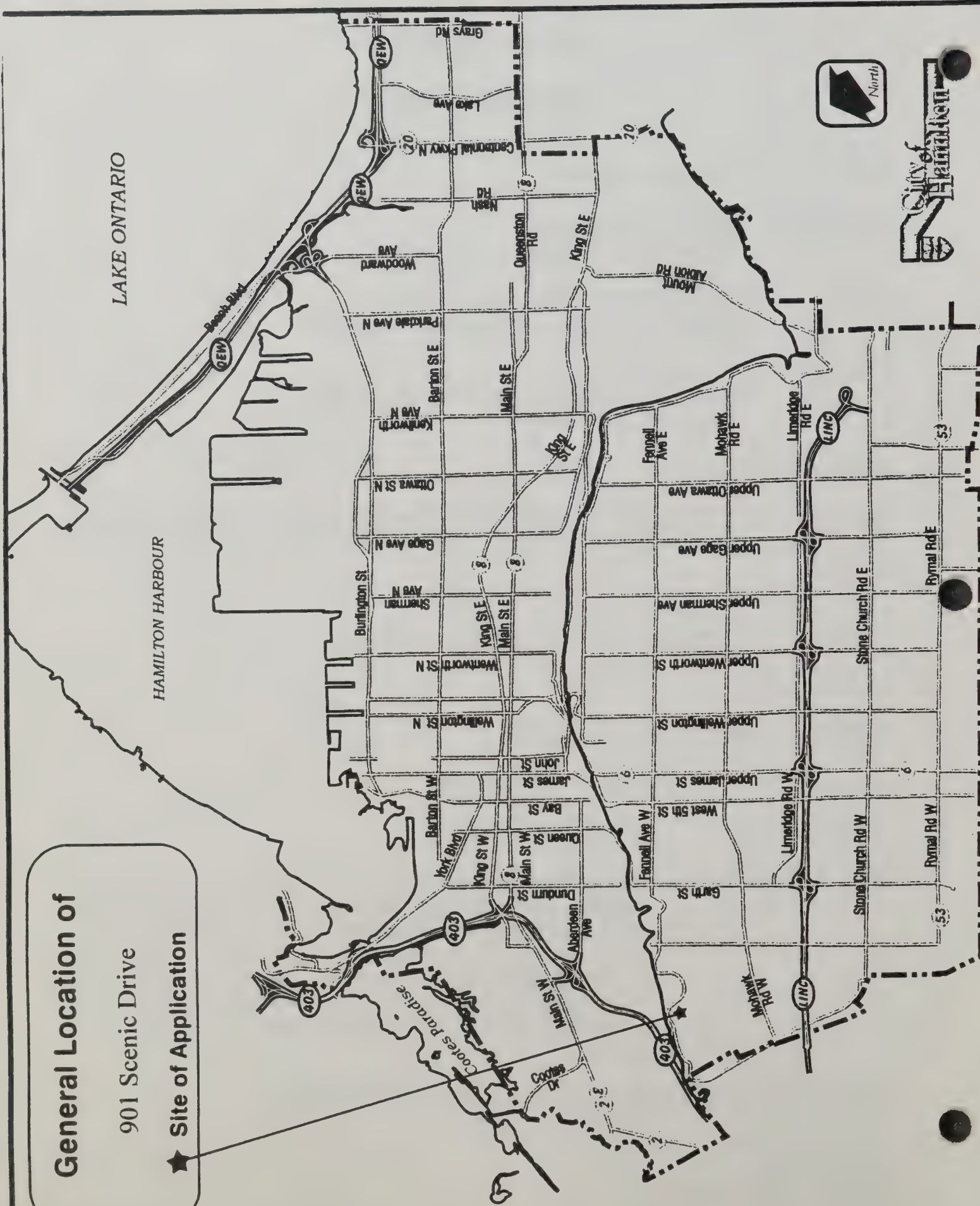
FP/zr



# General Location of

901 Scenic Drive

★ Site of Application





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

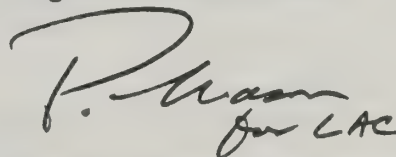
**DATE:** 1999 December 16

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
1328 FENNEL AVENUE EAST - Tag Number 99-139823  
(99.1.1.A) (PDC-00006)

**RECOMMENDATION:**



That the Building Commissioner be authorized to issue a demolition permit for 1328 Fennell Avenue East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C (Map E-68)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and leave the lands vacant at this time. This property is in the Huntington Neighbourhood and is located on the south side of Fennell between Upper Kenilworth and Shirley Street adjacent to the Elliot Heights Baptist Church and is in Ward 6. No LACAC interest. Lot size 15.24m x 41.15m.

The owner of the property and applicant as per the demolition permit is:

Elliot Heights Baptist Church  
1300 Fennell Avenue East  
Hamilton, Ontario L8T 1T6

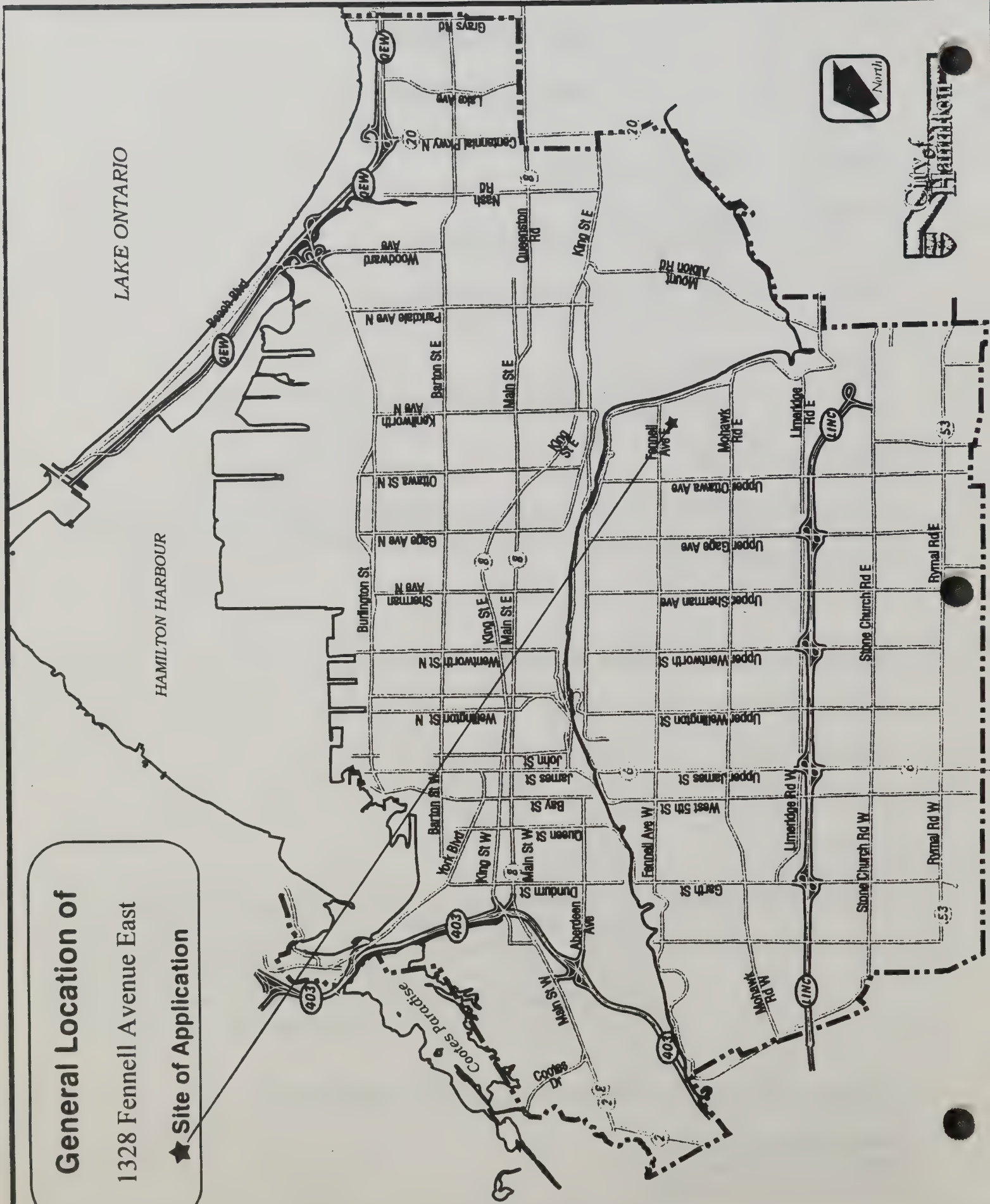
FP/zr



# General Location of

1328 Fennell Avenue East

★ Site of Application



LAKE ONTARIO

HAMILTON HARBOUR





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

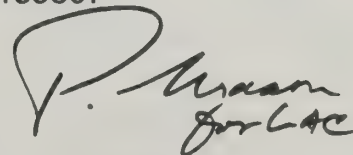
**DATE:** 1999 December 16

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
84 KENNEDY AVENUE - Tag Number 99-139807  
(99.1.1.A) (PDC-00007)

**RECOMMENDATION:**



That the Building Commissioner be authorized to issue a demolition permit for 84 Kennedy Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** B (Map W-9E)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and construct a new single family dwelling. A building permit application to replace the dwelling has been submitted and is currently under review. This property is in the Kennedy East Neighbourhood, located on the north side of Kennedy Avenue west of Christie Street and is in Ward 8. No LACAC interest. Lot size 18.29m x 60.96m.

The owner of the property and applicant as per the demolition permit is:

Frank Taibi  
11 Chris Court  
Hamilton, Ontario L9B 1W7

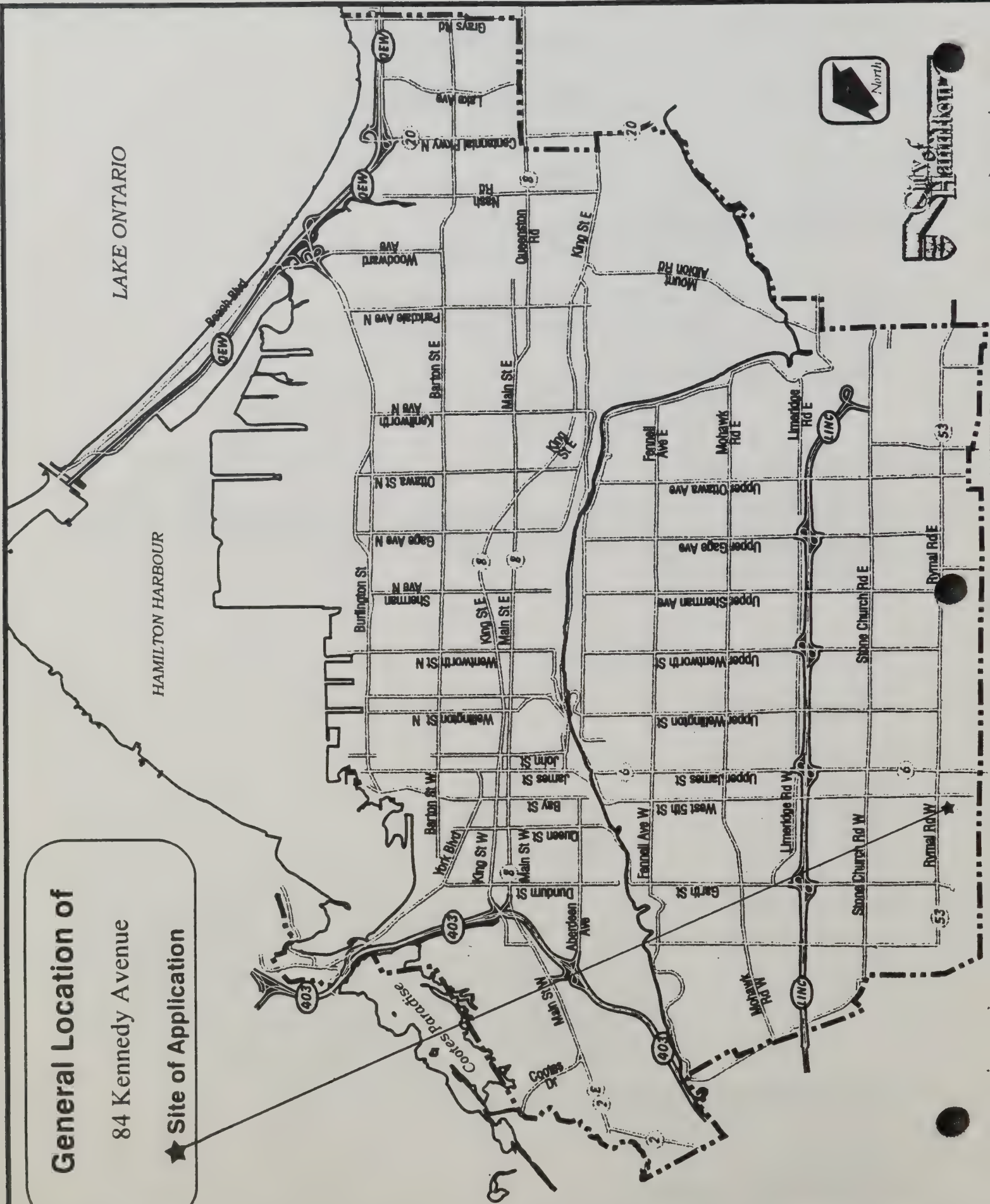
FP/zr



# General Location of

84 Kennedy Avenue

★ Site of Application





4.7

## CITY OF HAMILTON

### RECOMMENDATION

**DATE:** 1999 December 23

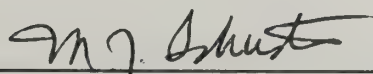
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Michael J. Schuster  
General Manager, Social and Public Health Services Division

**SUBJECT:** Core Heritage 2000 Program  
84 James Street North, Hamilton (HSB00001)

#### RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of eighteen thousand and twenty dollars (\$18,020) to Eduardo Importing Ltd., registered owner of 84 James Street North, be approved.



Michael J. Schuster, General Manager

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of \$18,020 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$313,322.

#### BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of \$20,000; those with a frontage exceeding 40 feet are eligible to receive an additional \$500 per linear foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional \$5,000 matching grant.



The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes; roof repairs; repainting of stone masonry; repair to cornices and dormers; sheet metal window hoods of the upper facade.

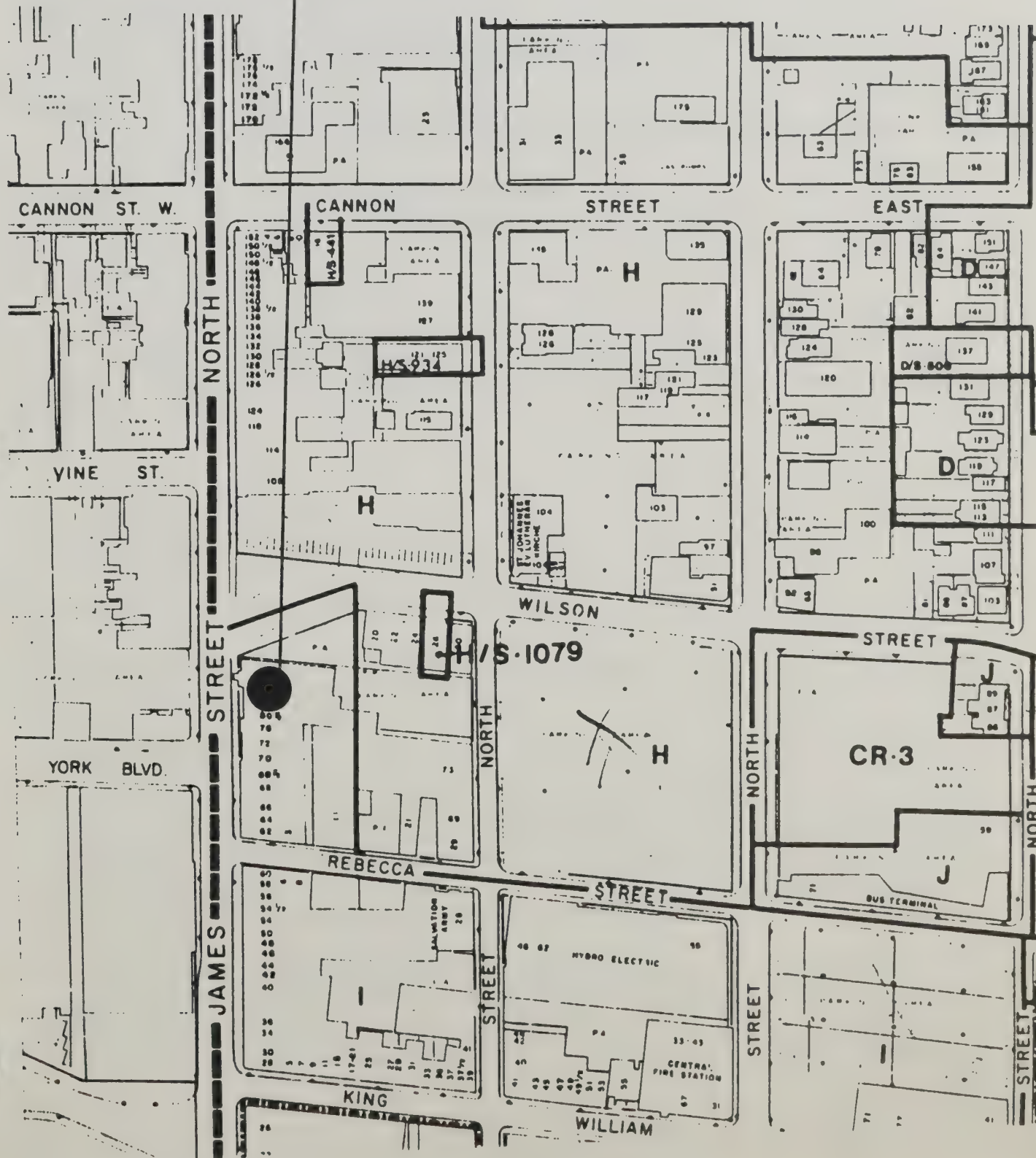
On the basis of the foregoing, staff recommends that a grant be given under the Core Heritage 2000 Program in the amount of \$18,020.

MJS/MM/dk

Cc        R. Camani, Finance Division  
          N. Chapple, Planning and Development Department  
          M.V. Mascarenhas, Housing and Shelter Branch



84 James Street North, Hamilton  
HSB001









4.8

## CITY OF HAMILTON

### RECOMMENDATION

**DATE:** 1999 December 23

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Michael J. Schuster  
General Manager, Social and Public Health Services Division

**SUBJECT:** Core Heritage 2000 Program  
47 James Street South, Hamilton (HSB00002)

#### RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of sixty-three thousand, eight hundred and sixteen dollars (\$63,816) to David H. Blanchard Property Corporation, registered owner of 47 James Street South, be approved.



Michael J. Schuster, General Manager

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of \$63,816 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$313,322.

#### BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of \$20,000; those with a frontage exceeding 40 feet are eligible to receive an additional \$500 per linear foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional \$5,000 matching grant.



The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes; repair and cleaning of two stone and glazed terra cotta facades.

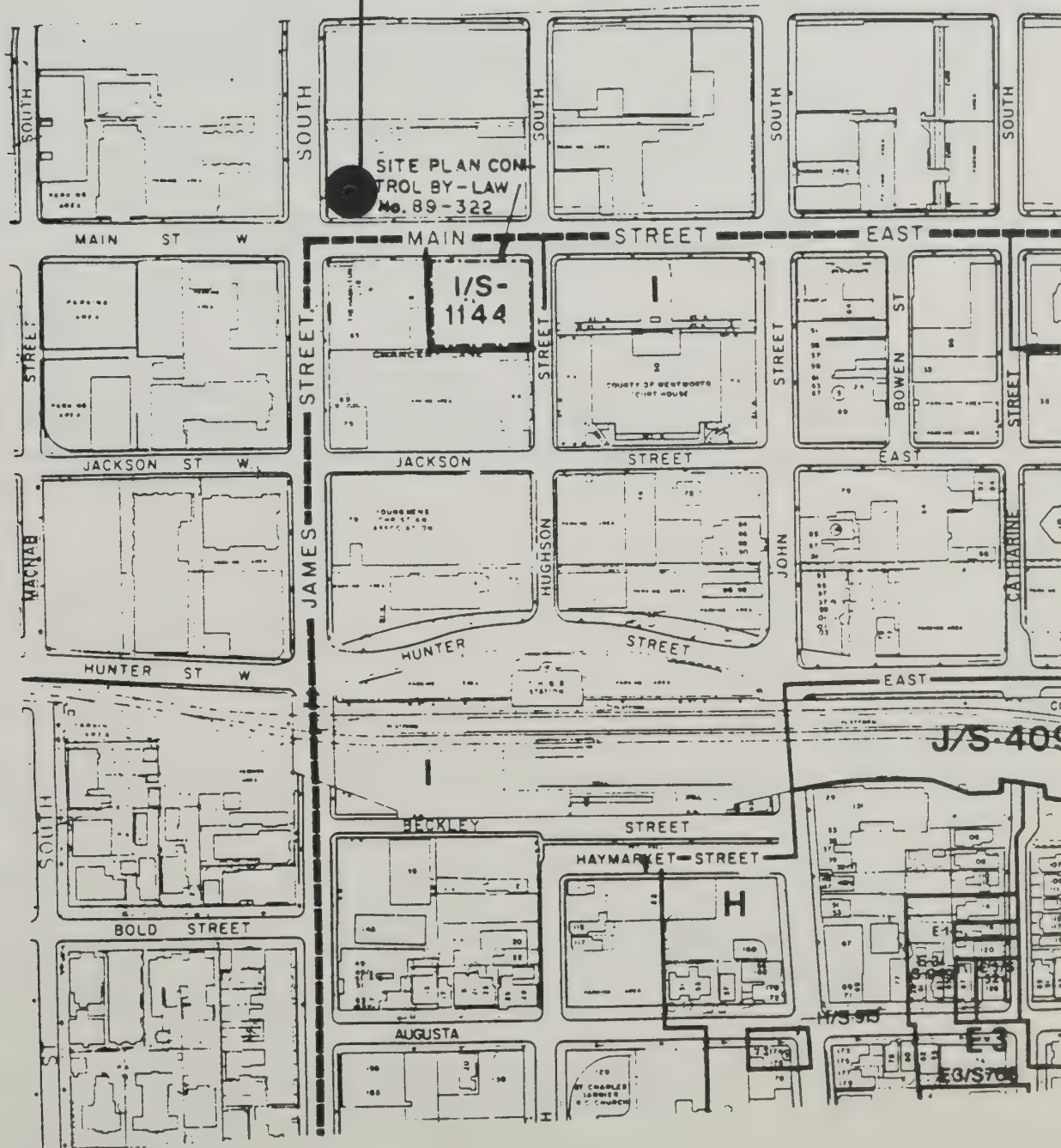
On the basis of the foregoing, staff recommends that a grant be given under the Core Heritage 2000 Program in the amount of \$63,816.

MJS/MM/dk

Cc        R. Camani, Finance Division  
          N. Chapple, Planning and Development Department  
          M.V. Mascarenhas, Housing and Shelter Branch



47 James Street South, Hamilton  
HSB002









**CITY OF HAMILTON****RECOMMENDATION**

**DATE:** 1999 December 23

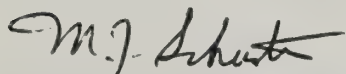
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Michael J. Schuster  
General Manager, Social and Public Health Services Division

**SUBJECT:** Gore Heritage 2000 Program  
7 - 9 King Street East, Hamilton (HSB00003)

**RECOMMENDATION:**

That a grant, for façade improvements, under the Gore Heritage 2000 Program in the amount of twenty thousand dollars (\$20,000) to Belinda Murray, Curtis Murray, and Austin Murray and Herta Murray, c.o.b. as B.C. Investments Co., registered owners of 7 - 9 King Street East, be approved.



Michael J. Schuster, General Manager

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The grant of \$20,000 will be funded from the Gore Heritage 2000 Program; the uncommitted balance of which is \$137,712.

**BACKGROUND:**

The Gore Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located on the Gore between James and Catherine Streets with the restoration and improvement of their street facades.

Buildings with a frontage of up to 50 feet are eligible to receive one matching grant, to a maximum of \$20,000; those with a frontage exceeding 50 feet are eligible to receive an additional grant (maximum \$20,000). Buildings designated under the Ontario Heritage Act are eligible to receive an additional \$5,000 matching grant.



The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes; remodeling of entire façade; new storefront; decorative cornice and wood; French doors with metal railings for apartments of the two upper floors.

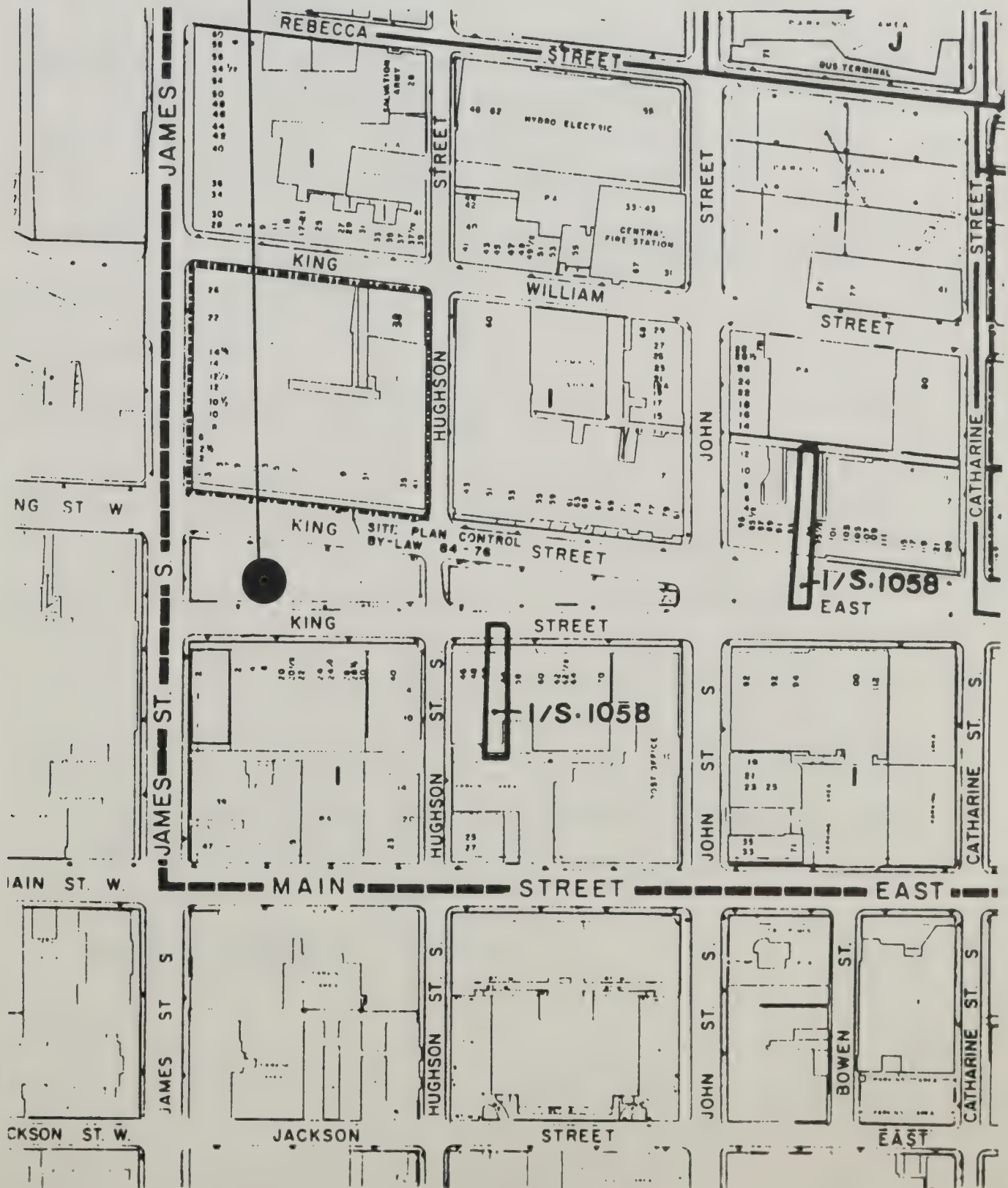
On the basis of the foregoing, staff recommends that a grant be given under the Gore Heritage 2000 Program in the amount of \$20,000.

MJS/MM/dk

Cc        R. Camani, Finance Division  
          N. Chapple, Planning and Development Department  
          M.V. Mascarenhas, Housing and Shelter Branch



7 - 9 King Street East, Hamilton  
HSB003









# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** December 1, 1999  
 Author: J. Pacey

**REPORT TO:** Chairman and Members  
 Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
 Department of Public Works and Traffic

**SUBJECT:** Concession Street Business Improvement Area (B.I.A.) –  
 Proposed Budget and Schedule of Payment for 2000  
 (PWT00004)

### RECOMMENDATION:

- a) That the 2000 operating budget for the Concession Street B.I.A. (attached as Appendix 'A') be approved in the amount of \$17,000; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2000 be approved:

January	\$4,250
April	\$4,250
June	\$4,250
September	\$4,250

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

*Charles Guthro*



**Concession Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00004)**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The \$17,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

**BACKGROUND:**

At its Annual General Meeting held November 23, 1999, the Concession Street B.I.A. adopted a 2000 operating budget of \$17,000. The process followed to adopt the Concession Street B.I.A.'s 2000 budget was in accordance with the B.I.A.'s constitution.

CG:JP:jp

c.c. Betty Toplack, Co-Chairperson  
Concession Street B.I.A.

John Woolcott, Co-Chairperson  
Concession Street B.I.A.

Alan Ross, General Manager  
Finance Department  
Attn: Anna Apkarian, Supervisor of Tax Administration/Banking



Concession Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00004)

## APPENDIX 'A'

### CONCESSION STREET BUSINESS IMPROVEMENT AREA'S

#### 2000 BUDGET

##### EXPENSES

##### Advertising and Promotion

Installation and storage of Christmas Decorations	\$3,000
Hydro-Christmas Lights	\$ 850
Streetfest and Corn Roast	\$6,600
Christmas, Bunny Hunt, Holloween, Newsletter	\$2,000

##### Administration

Office supplies, stamps, envelopes, printing, newsletter	\$900
Insurance	\$950
Accounting-auditor	\$350

##### Other

Wine and Cheese, Business to Business	\$700
Clean Sweep, Miscellaneous	\$500
Christmas decoration project	
Co-op advertising	\$1,150

<b>TOTAL BUDGET</b>	<b>\$17,000</b>
---------------------	-----------------







# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** December 1, 1999  
Author: J. Pacey

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Main Street West Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000  
(PWT00005)

### RECOMMENDATION:

- a) That the 2000 operating budget for the Main Street West Street B.I.A. (attached as Appendix 'A') be approved in the amount of \$2,900; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2000 be approved:

January	\$2,900
---------	---------

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$2,900 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.



**Main Street West Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00005)**

**BACKGROUND:**

At its Annual General Meeting held November 23, 1999, the Main Street West B.I.A. adopted a 2000 operating budget of \$2,900. The process followed to adopt the Main Street West B.I.A.'s 2000 budget was in accordance with the B.I.A.'s constitution.

h CG:JP:jp

c.c. Joyce Morrison, Co-Chairperson  
Main Street West B.I.A.

Mel Gunn, Co-Chairperson  
Main Street West B.I.A.

Alan Ross, General Manager  
Finance Department  
Attn: Anna Apkarian, Supervisor of Tax Administration/Banking



**Main Street West Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00005)**

**APPENDIX 'A'**

**MAIN STREET WEST  
BUSINESS IMPROVEMENT AREA'S**

**2000 BUDGET**

Insurance	\$ 300.00
Meeting Expenses	\$ 500.00
Audit	\$ 400.00
Maintenance	<u>\$1,700.00</u>
<b>TOTAL BUDGET</b>	<b>\$2,900.00</b>







4.12

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** January 13, 2000

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Secretary, LACAC re: LACAC minutes of December 8, 1999, dated January 6, 2000
- (b) Heritage Canada Foundation re: Tax Treatment of Heritage properties dated December 15, 1999
- (c) Correspondence from the Mayor to Richard Alway, Historic Sites and Monuments Board of Canada re: Auchmar and reply dated December 3, 1999
- (d) Correspondence from the Mayor to Marjorie Mercer, Ontario Heritage Foundation re: Auchmar and reply dated December 2, 1999
- (e) Ministry of Municipal Affairs and Housing re: Provincial Sales Tax Grant program for affordable housing dated November 19, 1999
- (f) General Manager, Community Planning and Development Division, re: 195 Ferguson Avenue North – Implementation of Wesley OMB decision (5<sup>th</sup> Report) (PDC99088)
- (g) Economic Development and Tourism Committee re: Hamilton Halton Homebuilders' Association – City/Region Agreement – Marketing Plan dated December 8, 1999
- (h) General Manager, Community Planning and Development Division re: Proactive Property Enforcement in the Downtown (PDC00008) dated December 22, 1999
- (i) Dianne Cunningham, Minister of Training, Colleges, and Universities re: Increased Funding for on-campus Housing dated December 20, 1999

*Tina Agnello*



**Planning and Development Committee  
Information Items (January 13, 2000)**

**2.**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.



5.

# Office of the Municipal Clerk

## Memorandum

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**TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** J. J. Schatz  
Municipal Clerk  
Office of the Municipal Clerk

**PHONE:** (905) 546-2727

**DATE:** 1999 December 15

**SUBJECT:** Correspondence from the Hamilton Homebuilders Association  
Re: Planning Department Staff Attrition for the Year 2000

Attached hereto please find Correspondence referred to the Planning and Development Committee by City Council at its meeting of December 14, 1999.



cc. <sup>LA</sup> Lee Ann Coveyduck, General Manager, Community Planning and Development Division





**HAMILTON-  
HALTON  
HOME  
BUILDERS'**

A member of the  
Home Builders' As

1112 Rymel Rd. E., Hamilton, Ontario L8W 3N7  
Telephone: 575-3344 Fax: 574-3411



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**Date:** Tuesday, December 14, 1999

**To:** City of Hamilton  
J.J. Schatz  
Phone: 905-546-2700  
Fax: 905-546-2095

**From:** Hamilton-Halton Home Builders' Association  
Chris Phillips  
Phone: 905-575-3344  
Fax:

**Pages:** 3

---

**Subject:** Letter Addressed to Council for Tues. Dec. 14, 1999

Included here is a letter addressed to His Worship Robert Morrow, as well to all members of Hamilton City Council on behalf of the Hamilton Halton Home Builders' Association.

We request that this letter please be submitted as correspondence and be included in council's agenda packages for their Tues. December 14, 1999 meeting.

I hope this can be accommodated and I do apologize for the late notice.

**Best Regards:**

**Chris Phillips  
Executive Officer**





HAMILTON-  
HALTON  
HOME  
BUILDERS'  
ASSOCIATION

A member of the Canadian  
Home Builder's Association

1112 Rymal Rd. E., Hamilton, Ontario L8W 3N7  
Telephone: 575-3344 Fax: 574-3411

Tuesday December 14, 1999

His Worship Mayor R.W. Morrow  
City of Hamilton  
City Hall  
71 Main St. West  
Hamilton, ON L8P 4Y5

**RE: Planning Department Staff Attrition for the Year 2000**

Your Worship and Members of the Hamilton City Council:

The Hamilton-Halton Home Builders' Association writes today to express our concern over the changes in staffing levels in the city's planning/building department as we enter the New Year.

It has been brought to our attention over the past few days, specifically at last week's meeting of the Planning & Development Committee and again yesterday when we met with staff, that come January 2000, the planning/building department will be significantly understaffed due to the retirement of several long-time staff. There does not seem to be any plan in place to fill these vacancies in the short-term, nor is there a long-term plan for the restructuring of the planning department's staff.

This concerns our association and our members greatly. With reduced staffing levels for an indeterminate time, it is hard to see how the department will be able to continue with service at the existing levels. With a relatively buoyant economy, it can be assumed the demands on the system for the year 2000 will be at least as much as it was in 1999, and thus it is our opinion that the city will be in a service delivery crisis unless steps are taken soon to correct the staffing levels.

It is our suggestion that council should put in place both a short-term and long-term strategy for this situation, one that could be used as a template in other departments that may undergo similar situations.

In the short-term, we believe council should allocate funds to offer some of the retiring staff consultant positions. In the light of this dramatic change in staff levels due to retirement and given the fact that all staffing decisions will be looked at from the restructuring point of view, hiring ex-employees to continue their functions will allow an easier transition period.



In the long-term we believe that as the re-structuring process takes place, council should ask for input from ourselves and other stakeholders, to ensure the re-structuring happens with the best service levels possible at the most efficient cost.

Governments at all levels have successfully argued that re-structuring will not effect the levels of service already expected by its clients. In fact some have argued that re-structuring will actually allow government to be more effective with only one tier of government instead of two. With this being said, it is our hope that council will look at the staffing situation in the planning/building department and act quickly so to ensure there is no deterioration of service levels.

Best Regards:



Chris Phillips  
Executive Officer



6.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 2000 January 13

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Appointment of a Chief Building Official (PDC00023)

**RECOMMENDATION:**

That By-Law 96-138, The Appointment of Inspectors, be amended as follows:

- a) Remove Len King as the Chief Building Official, under sentence (1);
- b) Remove Peter C. Lampman as the Chief Building Official in the absence of the Chief Building Official, under sentence (2);
- c) Appoint Peter C. Lampman as the Chief Building Official; and,
- d) Appoint Tom Redmond as the Chief Building Official in the absence of Peter C. Lampman.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A.

**BACKGROUND:**

Under the Ontario Building Code (OBC) Act, each municipality in Ontario is required to appoint a chief building official for the enforcement of the Act.

The City of Hamilton has an appointment By-law 96-138, which designates a chief building official and inspectors who exercise the enforcement rights under the Building Code Act.

On December 31, 1999, Len C. King, the current C.B.O. retired after many years of service with the City. It is necessary, at this time, to amend the appointment by-law to appoint a chief building official in order to fulfil the duties and requirements of the Building Code Act.



Peter Lampman has been designated as the Acting Building Commissioner until such time that the posting and selection of a permanent Building Commissioner can be completed.

In the interim, it is necessary to appoint Peter Lampman as the Chief Building Official and to appoint another official, Tom Redmond, as the Chief Building Official in the absence of Peter Lampman. By this amendment, the City is fulfilling its requirements under the Building Code Act.

Once the position of Building Commissioner is filled with a permanent appointment, a further amendment to the appointment by-law may be brought forward.

:fd

Attachment (1)



The Corporation of the City of Hamilton

BY-LAW NO. 99 –

To Amend

By-law No. 96-138

Respecting

**THE APPOINTMENT OF INSPECTORS**

**WHEREAS** subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section "1." and "2." of By-law 96-138 are hereby deleted in their entirety and replaced with the following:
    1. (a) The following person is appointed chief building official:  
  
Peter C. Lampman, P. Eng.
    - (b) The title of chief building official shall be as follows:  
  
Acting Building Commissioner
  2. (a) The following person is appointed an Inspector:  
  
Thomas Redmond, P. Eng.
  - (b) The title of the Inspector appointed under clause (a) shall be as follows:  
  
Acting Manager of Customer Services
2. In all other respects, By-law 96-138 is confirmed in force and effect.

**PASSED** this                      day of December, A.D. 1999.

Municipal Clerk

Mayor







CAY ON HBL AOS  
C51P4  
2000

Urban Municipal Collection  
2<sup>nd</sup> Floor  
Hamilton Public Library

**URBAN  
MUNICIPAL**



# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday February 2, 2000

9:30 a.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

Tina Agnello  
Legislative Assistant

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### CALL TO ORDER

#### 1. DECLARATIONS OF INTEREST

#### 2. ADOPTION OF MINUTES

2.1 Minutes of the Special Meeting Held January 12, 2000

2.2 Minutes of the Regular Meeting Held January 19, 2000

#### 3. CONSENT ITEMS

3.1 Authorization for Staff Attendance, OMB Hearing - 66 Mall Rd. (PDC00018)

3.2 Change in Zoning for 334 East 14<sup>th</sup> Street (PDC00019)

3.3 Removal of the Holding Zone for lands at 723 Rymal Rd. W. (PDC00024)

3.4 Additions to inventory- Buildings of Architectural/Historical Significance  
: 195 & 197-199 King William Street (PDC00010)

3.5 Appointment to Historical Board

3.6 Information Items







**4. REFERRAL FROM CITY COUNCIL**

BIA Capital Improvements

**5. PRIVATE AND CONFIDENTIAL AGENDA**

**6. OTHER BUSINESS**

**7. ADJOURNMENT**









# MINUTES

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday January 12, 2000

7:00 p.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

**Present:** Alderman D'Amico (Chairperson), Aldermen Copps (Vice-Chairperson), Caplan, Haining, Eisenberger, Charters, Kelly

**Regrets:** Mayor Morrow (Civic Business), Alderman Corsini (Vacation)

**Also Present:** Aldermen O'Sullivan, Horwath, P. Mason, B. Janssen, T. Agnello

Alderman F. D'Amico Chairperson called the meeting to order.

### 1. St. Mark's Church – New Use (Item 2.1)

(a) That the following recommendation **be denied**:

- A. That the Planning and Development Committee direct the staff of the Community Planning and Development Division to proceed immediately with a City Initiative to rezone the lands at 130 Bay Street South from "E-3" (High Density Multiple Dwellings) District to "A" (Conservation Open Space, Park and Recreation, etc) District, modified, to reflect the proposed land use, as a condition of sale;
- B. That any sale of the property be subject to the finalization of the rezoning as identified in Recommendation "A" above;
- C. That staff in Real Estate and Legal Services be directed to enter into negotiations with the Charismatic Episcopal Church of Canada (Church of the Deliverer) for the purposes of entering into an agreement of purchase and sale for the cost of \$350,000.;



D. That the sale of the St. Mark's property be subject to the following conditions:

- 1) that a Heritage Conservation Easement be signed in favour of the City of Hamilton on the church building and on the open space;
- 2) that the City be granted the right of first refusal;
- 3) that the owner of the St. Mark's property guarantee public access to the grounds of St. Mark's; and,
- 4) that a letter of intent be signed with the new owners agreeing to complete the renovations within two years from the date of purchase.

(b) That City Council continue to look for alternate uses for St. Mark's Church.

---

For the information of the Committee respecting Item 1:

At the public meeting associated with this matter, the following individuals made oral submissions:

- Roberta Harmon, Durand Neighbourhood Association spoke in opposition to the staff recommendation. She submitted a letter and questionnaire which was answered by Bill Janssen.
  - Janice Brown of 163 Duke Street and a member of the Durand Neighbourhood Association, spoke in opposition to the staff recommendation.
  - Ellen Campbell of 43 Mount royal Crescent in Mount Campbell spoke in favour of the staff recommendation
  - Joan McDonald of 43 Duke Street spoke in opposition to the staff recommendation.
  - Paul Mansfield of 121 Hunter Street West spoke in favour of the staff recommendation.
  - Gill Simmons on behalf of Mary Pocius , Chair of CAPIC, spoke in opposition to the staff recommendation.
  - Brian Henley, 19 Alexander Street, and a member of of LACAC spoke in favour of the staff recommendation.
  - Diane a Staff person at the Hamilton Sexual Assault Centre and resident of 24 Charlton Avenue West spoke in favour of the recommendation.
  - Vilma Rossi of the Hamilton Sexual Assault centre stated that they need to enter into discussions with the group wishing to purchase St. Mark's regarding their program.
  - Mary Schnieder of 41 Fairleigh Avenue North suggested the property be rezoned as greenspace.
-



- Laurie Axey of 168 Emerald Street South wants the continuance of greenspace.
- Helene Fallon of the Durand Neighbourhood Association spoke in opposition to the staff recommendation.
- Sue Shaker of 45 Markland Avenue was concerned that there is no current appraisal.
- Nicholas Kebleham, 166 Charlton Avenue West was concerned that there is no current appraisal.
- Ed Shaker of 45 Markland Avenue spoke in opposition to the staff recommendation.
- Connie Hughes of 177 Duke Street questioned people's ability to use the property as greenspace.
- Russel Elmond, Durand Neighbourhood Association spoke in opposition to the staff recommendation.

A motion was placed on the floor that the property not be sold to the Charismatic church and that the land be rezoned open space. This motion was defeated.

A motion was placed on the floor to deny the staff recommendation and request council to continue to look for alternate uses. This motion was defeated.

A motion to approve the staff recommendation was placed on the floor and was defeated on a recorded vote as follows:

Recorded Vote:

Yeas: Alderman Kelly, Alderman Caplan-2

Nays: Alderman Charters, Alderman D'Amico, Alderman Haining, Alderman Copps,  
Alderman Eisenberger -5 **LOST**

Subsequently the second motion placed on the floor was reconsidered and approved.

**The following Item not Requiring Council Approval was adopted and/or Noted:**

**(a) Declarations of Interest (Item1)**

None declared.

Note: the meeting adjourned at 8:45p.m.



**Planning and Development  
Committee**

**- 4 -**

**Minutes of Jan. 12, 2000**

**Respectfully Submitted,**

**Alderman F. D'Amico  
Chairman  
Planning and Development Committee**

**Tina Agnello, Legislative Assistant  
January 12, 2000**



# MINUTES

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, January 19, 2000  
9:30 a.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton



**Present:** Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. M. Morrow, Aldermen B. Charters, F. Eisenberger, M. Caplan, R. Corsini, B. Kelly, D. Haining

**Also Present:** L. Coveyduck, G. Paparella, P. Mallard, P. Mason, A. Zuidema, P. Lampman, D. Clark, E. Switinky, E. Chajka, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

### 1. ZAC-99-26 for 844 Upper Wentworth Street (PDC99068) (Item 3.1)

- (a) That approval be given to Official Plan Amendment No. 165 to establish a new Special Policy Area to permit an aesthetics and beauty salon within the "Residential" designation, on lands known as 844 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", and that the Corporate Counsel be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application ZAC-99-26, Skinder Shelly Sohal, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, to permit an aesthetics and beauty salon within the existing single family dwelling, for property located at 844 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A" on the following basis:
  - (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed



Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District – Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

- (ii) That the subject lands be rezoned from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc. - Holding) District;
- (iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - (1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses will be permitted:
    - (a) An aesthetics and beauty salon only within the existing building;
    - (b) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
  - (2) That a minimum 3.0 m wide landscape strip, and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line;
  - (3) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly and southerly lot lines;
  - (4) That a minimum 1.38 m wide landscape strip shall be provided and maintained along the easterly lot line except for any area used for vehicular access;
  - (5) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, not less than four (4) parking spaces shall be provided and maintained on the subject lands;



- (6) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a parking space length of not less than 5.8 m shall be provided and maintained;
  - (7) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and
  - (8) Section 18A(26) of Zoning By-law No. 6593 shall not apply.
  - (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1438, and that the subject lands on Zoning District Map E-18 be notated S-1438;
  - (v) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;
  - (vi) That the proposed change and modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No.165 by the Region of Hamilton-Wentworth; and,
  - (vii) Upon approval of the Official Plan Amendment and implementing Zoning By-law, the Bruleville Neighbourhood Plan be amended by redesignating the subject lands from "Commercial/Residential Conversion" to "Commercial".
- (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding the subject lands to Schedule "A".

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For the Information of the Committee respecting item 1:

Prior to this Public Meeting, the Chairman advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

The proponents were present in favour of the staff recommendation.

The Committee approved the recommendation as amended to add Subsection (c).

---



2. ZAC-99-38 for 164 Rymal Road West (PDC00004) (Item 3.2)

That approval be given to Amended Zoning Application ZAC-99-38, Demetre Dekaneas, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located at 164 Rymal Road West, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (d) That the subdivision agreement remain on title in perpetuity.

For the information of the Committee respecting Item 2:

Prior to this Public Meeting, the Chairman advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

The applicant and Angelo Camaracci were present in favour of the staff recommendation.

Harley Allison, adjacent property owner was present to state his concerns regarding appropriate drainage and fencing.

The Committee approved the recommendation as amended to include subsection (d).



**3. Condominium Conversion, 23-25 Macauley Street West (PDC00001) (Item 4.1)**

(a) That approval be granted to application CDM-CONV-99-003 (Regional File 25CDM-99014) submitted by Emilia Fazekas, owner, for a draft plan of condominium for the property located at Nos. 23-25 Macauley Street West as shown on the attached Plan marked as APPENDIX "C", to provide for a condominium comprised of 5 individual townhouse condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated January 4, 1999 (APPENDIX "A") prepared by B.A. Jacobs Surveying Ltd.;

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to Corporate Counsel, including, but not limited to:

- 1) a condition which states that the portion of the parking within the Macauley Street West road allowance remains at the pleasure of City of Hamilton Council;
- 2) a condition that states the City has the authority to rescind the agreement and have the parking removed from the road allowance;
- 3) a condition that states it will be the sole responsibility of the Condominium Corporation to revise the approved plans, as required, to remove parking spaces P-1 to P-6 inclusive from the Plan.

(iii) That prior to approval of the final plan:

- 1) the property taxes shall be in good standing and the draft plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan; and,
- 2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593, namely, the non-conformity related to the provision of the six (6) required parking spots having a minimum dimension of 2.7m x 6.0m.



- (iv) That the applicant/owner enter into a Boulevard Parking Agreement with the City of Hamilton; and,
- (b) That the Municipal Clerk be directed to advise the Director of the Land Development Department of the Community Planning & Development Division of Council's decision.

**4. Authorization for Staff attendance at an OMB Hearing- 83 Rosemont Avenue (PDC00002) (Item 4.2)**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:200, respecting property located at No. 83 Rosemont Avenue, as shown on attached map marked as APPENDIX "D".

**5. Revision to By-law 99-103 for lands on the South Side of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive (PDC00003) (Item 4.3)**

- (a) That Section 5 of By-law No. 99-103 be repealed in its entirety and replaced with a new subsection as follows:

"5. Sheet No. E-49B of the District Maps is amended by marking the lands referred to in section 1 of this By-law as S- 1429a."

- (b) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council; and,
- (c) That the proposed modification to Zoning By-law No. 99-104 is in conformity with the Official Plan for the Hamilton Planning Area.

**6. Demolition of 901 Scenic Drive – (PDC00005) (Item 4.4)**

That the Building Commissioner be authorized to issue a demolition permit for 901 Scenic Drive in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.



**7. Demolition of 1328 Fennell Avenue East – (PDC00006) (Item4.5)**

That the Building Commissioner be authorized to issue a demolition permit for 1328 Fennell Avenue East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**8. Demolition of 84 Kennedy Avenue – (PDC00007) (Item 4.6)**

That the Building Commissioner be authorized to issue a demolition permit for 84 Kennedy Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**9. Core Heritage 2000 Program, 84 James Street North (HSB00001) (Item4.7)**

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of eighteen thousand and twenty dollars (\$18,020) to Eduardo Importing Ltd., registered owner of 84 James Street North, be approved.

**10. Core Heritage 2000 Program, 47 James Street South (HSB00002) (Item 4.8)**

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of sixty-three thousand, eight hundred and sixteen dollars (\$63,816) to David H. Blanchard Property Corporation, registered owner of 47 James Street South, be approved.

**11. Gore Heritage 2000 Program, 7 – 9 King Street East (HSB00003) (Item 4.9)**

That a grant, for façade improvements, under the Gore Heritage 2000 Program in the amount of twenty thousand dollars (\$20,000) to Belinda Murray, Curtis Murray, and Austin Murray and Herta Murray, c.o.b. as B.C. Investments Co., registered owners of 7 – 9 King Street East, be approved.

**12. Concession Street BIA Proposed Budget and Schedule of Payment for 2000 (PWT00004) (Item 4.10)**

- (a) That the 2000 operating budget for the Concession Street B.I.A. (attached as Appendix 'E') be approved in the amount of \$17,000; and,



- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 2000 be approved:

January	\$4,250
April	\$4,250
June	\$4,250
September	\$4,250

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

**13. Main Street West BIA Proposed Budget and Schedule of Payment for 2000 (PWT00005) (Item 4.11)**

- (a) That the 2000 operating budget for the Main Street West Street B.I.A. (attached as Appendix 'F') be approved in the amount of \$2,900; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 2000 be approved:

January	\$2,900
---------	---------

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

**14. Appointment of a Chief Building Official (PDC00023) (Item 6)**

That By-Law 96-138, The Appointment of Inspectors, be amended as follows:

- (a) Remove Len King as the Chief Building Official, under sentence (1);
- (b) Remove Peter C. Lampman as the Chief Building Official in the absence



of the Chief Building Official, under sentence (2);

- (c) Appoint Peter C. Lampman as the Chief Building Official; and,
- (d) Appoint Tom Redmond as the Chief Building Official in the absence of Peter C. Lampman.

The following Items not requiring Council Approval were adopted and/or noted:

(a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes**
- December 3, 1999 (Item 2.1)
  - December 8, 1999 (Item 2.2)
  - December 14, 1999 (Item 2.3)

The Minutes of the meetings held December 3, 1999, and December 14, 1999 were adopted.

The minutes of the meeting held December 8, 1999 were approved as amended to change Alderman Copps' s comments in item 1. as follows:

" Alderman Copps suggested that we require new buildings over a certain size to have underground parking".

(c) **Information Items (Item 7.14)**

That the following Information Items as previously distributed to Members of the Planning and Development Committee, be received:

- (i) Secretary, LACAC re: LACAC minutes of December 8, 1999, dated January 6, 2000
- (ii) Heritage Canada Foundation re: Tax Treatment of Heritage properties dated December 15, 1999
- (iii) Correspondence from the Mayor to Richard Alway, Historic Sites and Monuments Board of Canada re: Auchmar and reply dated December 3, 1999
- (iv) Correspondence from the Mayor to Marjorie Mercer, Ontario



Heritage Foundation re: Auchmar and reply dated December 2, 1999

- (v) Ministry of Municipal Affairs and Housing re: Provincial Sales Tax Grant program for affordable housing dated November 19, 1999
- (vi) General Manager, Community Planning and Development Division, re: 195 Ferguson Avenue North – Implementation of Wesley OMB decision (5<sup>th</sup> Report) (PDC99088)
- (vii) Economic Development and Tourism Committee re: Hamilton Halton Homebuilders' Association – City/Region Agreement – Marketing Plan dated December 8, 1999
- (viii) General Manager, Community Planning and Development Division re: Proactive Property Enforcement in the Downtown (PDC00008) dated December 22, 1999
- (ix) Dianne Cunningham, Minister of Training, Colleges, and Universities re: Increased Funding for on-campus Housing dated December 20, 1999

(d) **Referral From Council** (Item 5)

Correspondence from the Hamilton Homebuilders' Association re: Planning Department Staff Attrition for the Year 2000 was received.

(e) **Other Business** (item 6)

The Committee resolved as follows:

That the Community Planning and Development Division and Corporate Counsel staff be directed to prepare draft zoning by-laws that would implement the conditional agreement between the City of Hamilton and the Hamilton Harbour Commissioners for open space and a modified F-4 zoning in the area of Windermere Basin.

Note: The meeting of the Planning and Development Committee adjourned at 10:30 a.m.

**Respectfully Submitted,**

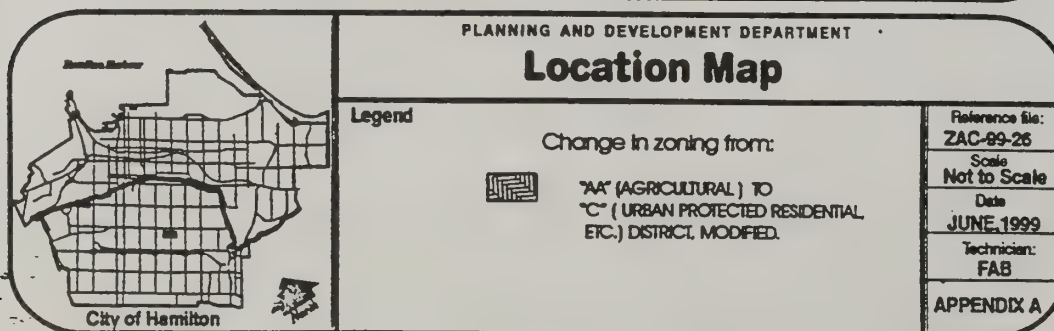
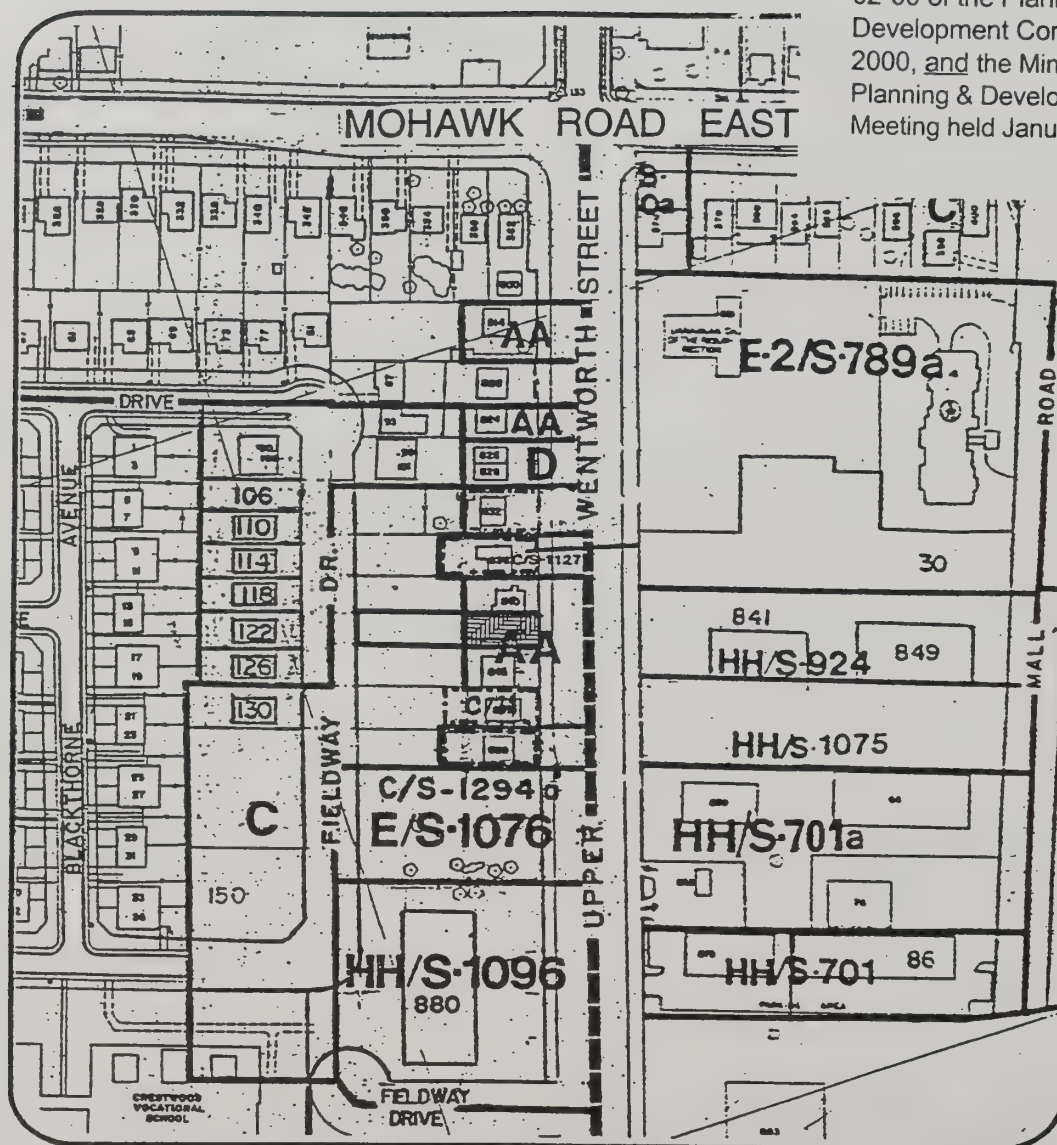


Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Tina Agnello, Legislative Assistant  
January 19, 2000

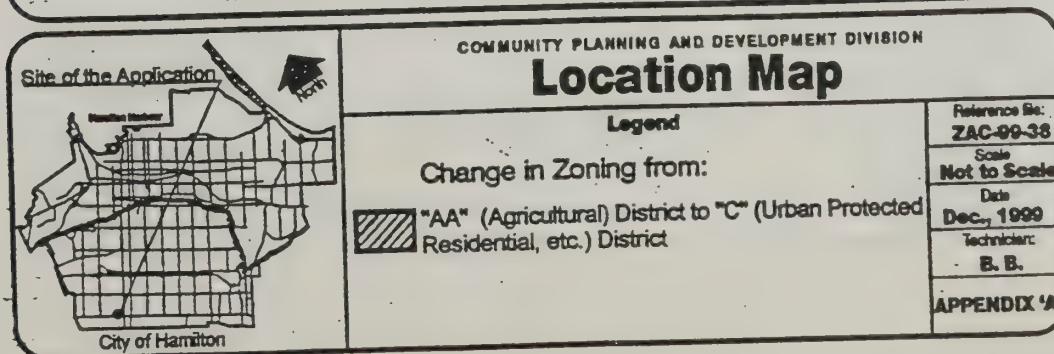
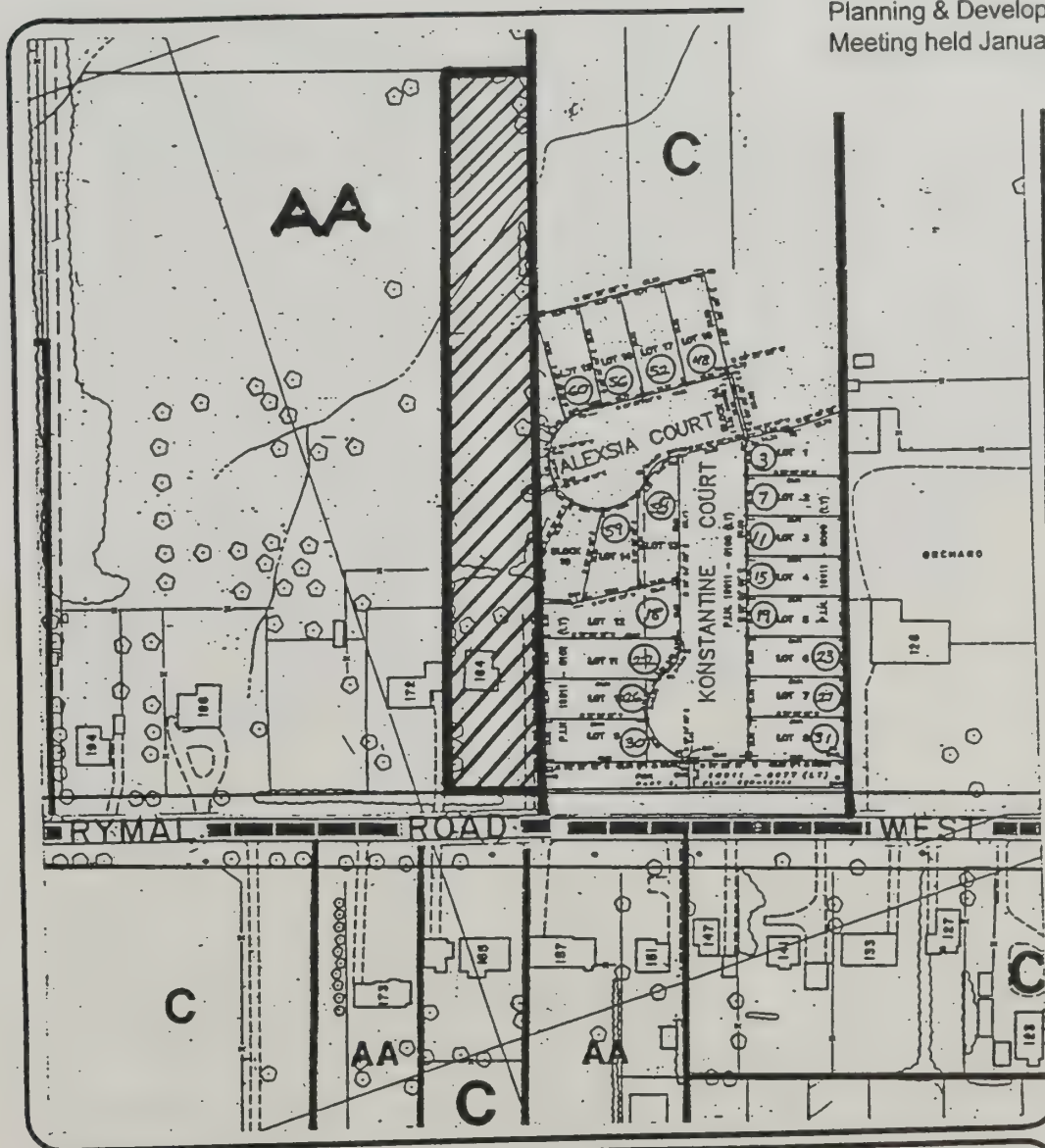


Appendix "A" referred to  
in Section 1 of Report  
02-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held January 19, 2000.



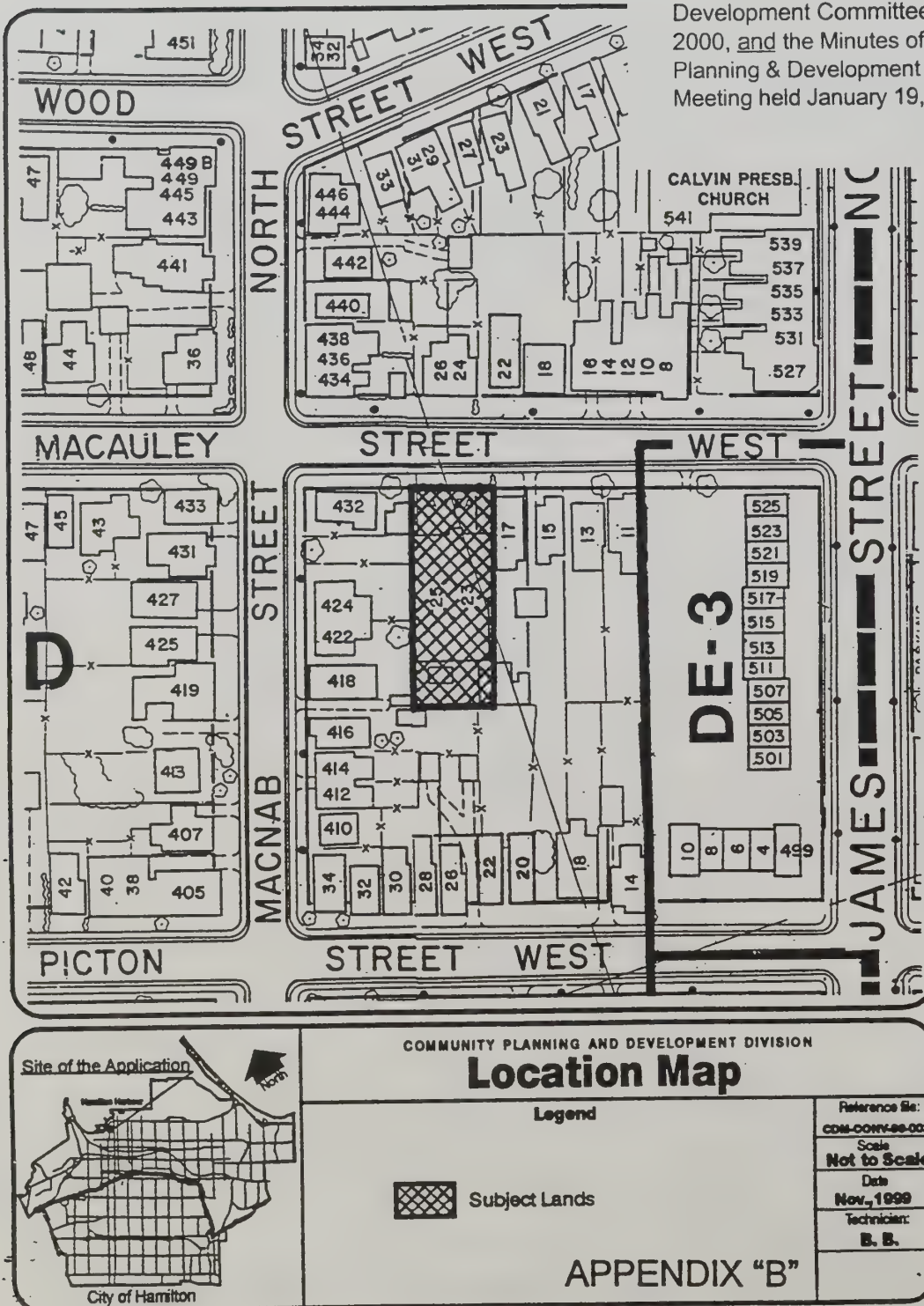


Appendix "B" referred to  
in Section 2 of Report  
02-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held January 19, 2000.



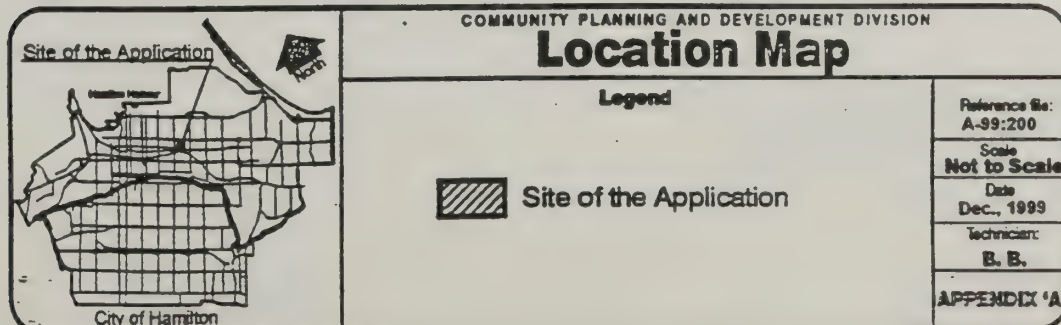
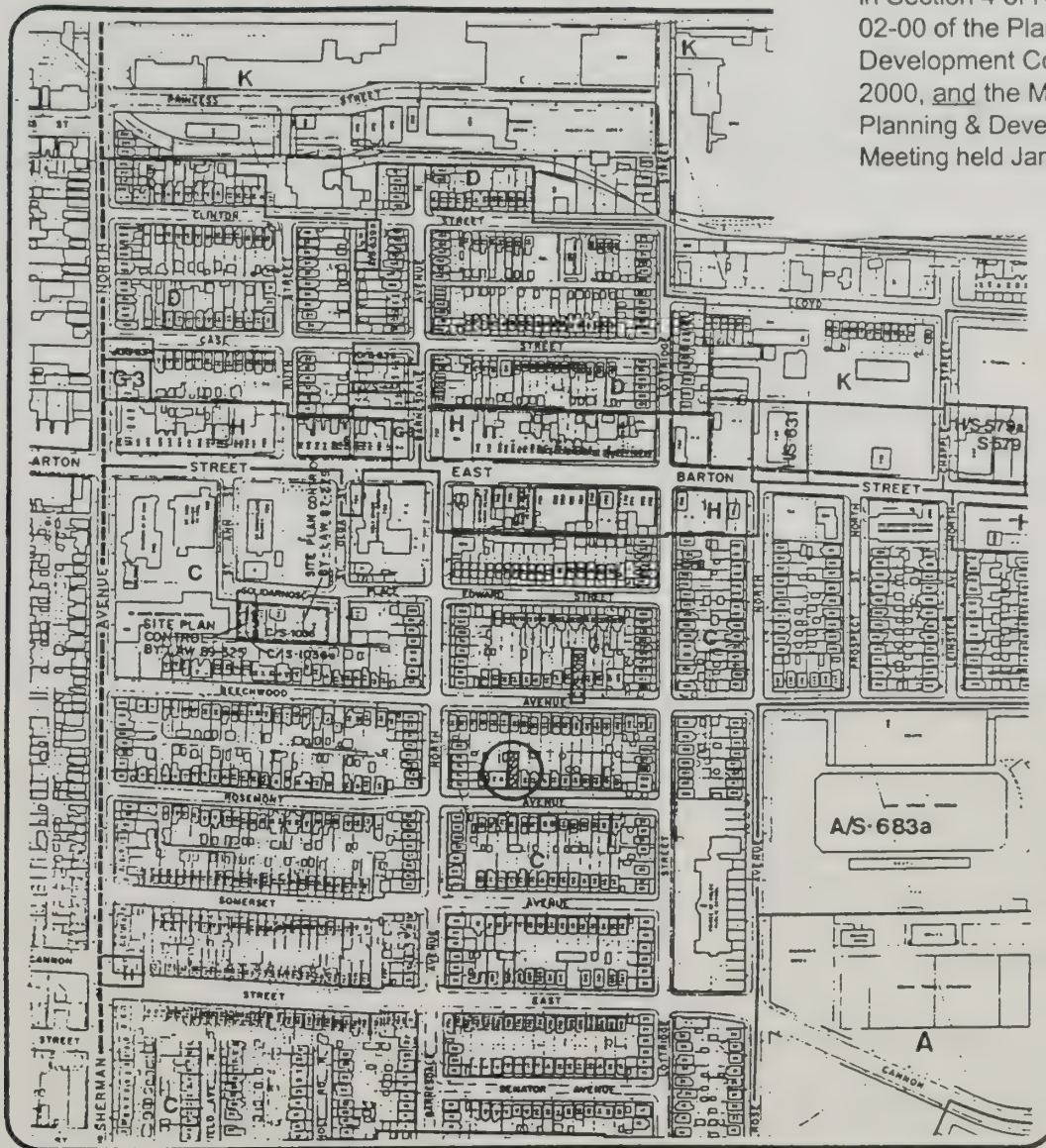


Appendix "C" referred to  
in Section 3 of Report  
02-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held January 19, 2000.





Appendix "D" referred to  
in Section 4 of Report  
02-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held January 19, 2000.





Concession Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00004

Appendix "E" referred to  
in Section 12 of Report  
02-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held January 19, 2000.

## APPENDIX

### CONCESSION STREET BUSINESS IMPROVEMENT AREA'S

#### 2000 BUDGET

##### EXPENSES

##### Advertising and Promotion

Installation and storage of Christmas Decorations	\$3,000
Hydro-Christmas Lights	\$ 850
Streetfest and Corn Roast	\$6,600
Christmas, Bunny Hunt, Holloween, Newsletter	\$2,000

##### Administration

Office supplies, stamps, envelopes, printing, newsletter	\$900
Insurance	\$950
Accounting-auditor	\$350

##### Other

Wine and Cheese, Business to Business	\$700
Clean Sweep, Miscellaneous	\$500
Christmas decoration project	
Co-op advertising	\$1,150

<b>TOTAL BUDGET</b>	<b>\$17,000</b>
---------------------	-----------------



Appendix "F" referred to  
in Section 13 of Report  
02-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held January 19, 2000.

**Main Street West Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00005)**

## APPENDIX

### MAIN STREET WEST BUSINESS IMPROVEMENT AREA'S

#### 2000 BUDGET

Insurance	\$ 300.00
Meeting Expenses	\$ 500.00
Audit	\$ 400.00
Maintenance	<u>\$1,700.00</u>
<b>TOTAL BUDGET</b>	<b>\$2,900.00</b>







## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 January 17  
Thorner Neighbourhood  
A-99:216

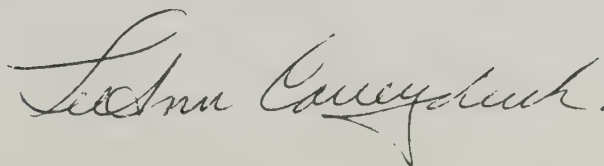
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Authorization for Staff Attendance at an Ontario Municipal Board  
Hearing - 66 Mall Road (PDC00018)

**RECOMMENDATION:**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:216, respecting property located at No. 66 Mall Road, as shown on attached map marked as APPENDIX "A".

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

**BACKGROUND:**

Committee of Adjustment Application A-99:216 has recently been appealed to the Ontario Municipal Board. At its meeting of November 17, 1999, the Committee accepted Development Planning staff's recommendation and denied the application.



The application was to permit a proposed parking area for the existing commercial use to provide none of the required landscaped area instead of the required minimum average 2.0m wide, but not less than 1.0m wide landscaped area along the entire street line of the lot (i.e. Mall Road).

The lands are located in the "HH" (Restricted Community Shopping and Commercial) District, which is subject to Site Plan Control. In this regard, the lands were developed under Site Plan Control Application DA-88-01. Accordingly, the proposal should be reviewed under a new application. To date, no such application has been submitted.

With respect to the requested variance, the "HH" District, among other commercial districts, was amended by By-law No. 99-040 to require landscaping where any parking or manoeuvring space is adjacent to a street line. Specifically, to provide an average 2.0m wide landscape strip, but not less than 1.0m wide. This By-law was the result of a City Initiative (CI-98-B) for which the Planning and Development Committee directed staff to prepare a report addressing site plan requirements for landscaping and cosmetic enhancements to parking related to commercial uses.

There appeared to be no extenuating circumstances or hardships, which would preclude the applicant from maintaining the required landscaping.

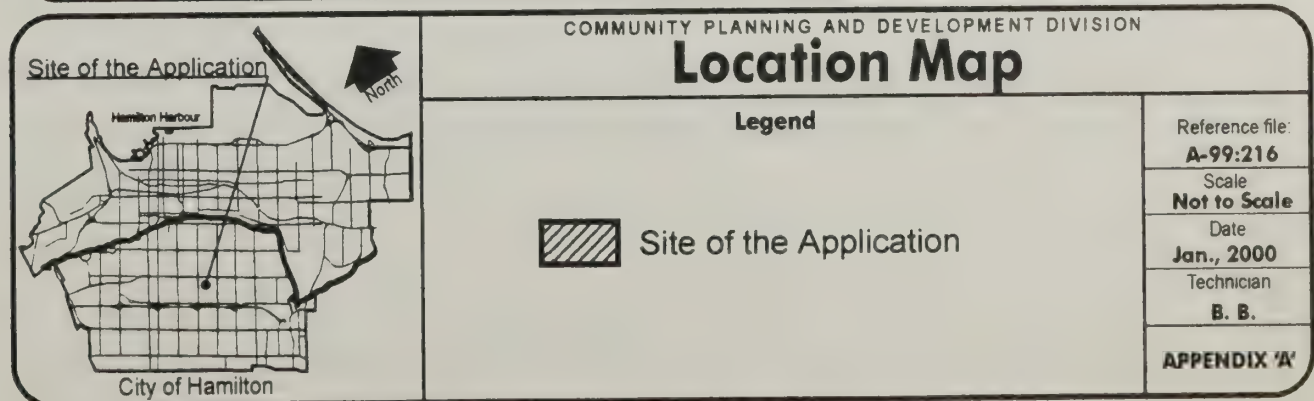
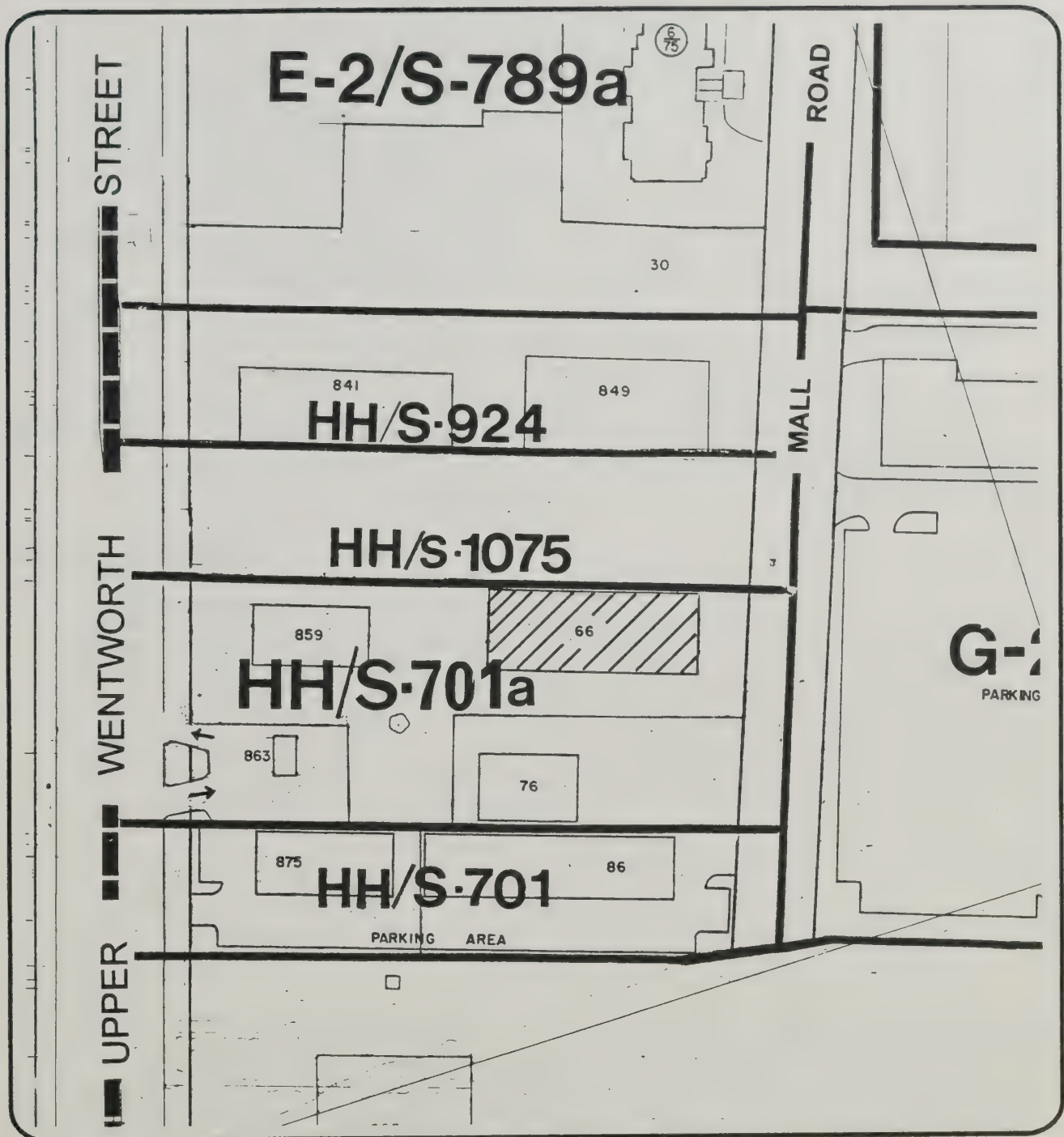
Based on the foregoing, the proposal was not considered to be minor or inkeeping with the intent of the By-law. Accordingly, it was recommended the application be denied.

#### **CONCLUSION:**

Consistent with current practice in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

JG/











**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 2000 January 25  
ZAC-98-26  
Hill Park Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Change in Zoning for Lands located south of Fennell Avenue, north of Inchlee Drive and west of East 14<sup>th</sup> Street, known municipally as 334 East 14<sup>th</sup> Street (PDC00019)

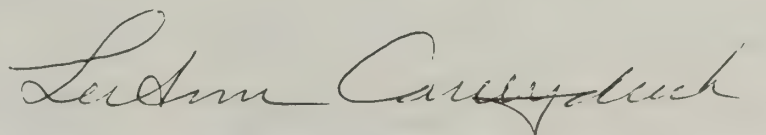
**RECOMMENDATION:**

- A. That the appropriate by-law, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for lands located south of Fennell Avenue, north of Inchlee Drive and west of East 14<sup>th</sup> Street, known municipally as 334 East 14<sup>th</sup> Street, as shown on the attached map marked as APPENDIX "A", be enacted by Council in accordance with Item 1.(b) of the 19<sup>th</sup> Report of the Planning and Development Committee as adopted by Council on October 26, 1999; and,
- B. That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for lands located south of Fennell Avenue, north of Inchlee Drive and west of East 14<sup>th</sup> Street, known municipally as 334 East 14<sup>th</sup> Street, as shown on the attached map marked as APPENDIX "A".

The effect of the proposed change in zoning is to recognize the existing apartment building in accordance with the 1959 agreement between the City of Hamilton and Janus Apartments Limited.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the City of Hamilton Planning Application Fee By-law, the applicant is



required to pay a Phase II fee of \$635.00 for the preparation of the implementing by-law to City Council. City Council approved an amended zoning application and the applicant has subsequently appealed Council's decision to the Ontario Municipal Board. As such, the applicant has advised that they will not be submitting the prerequisite fee. Therefore, the City will be required to absorb the costs associated with the preparation of the by-law and circulation of the notice of the passage of the by-law to the abutting property owners.

### **BACKGROUND:**

City Council, at its meeting of October 26, 1999, approved amended Zoning Application 98-26 for a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc) District (Block "2"), for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street, as shown on the attached map marked as APPENDIX "A".

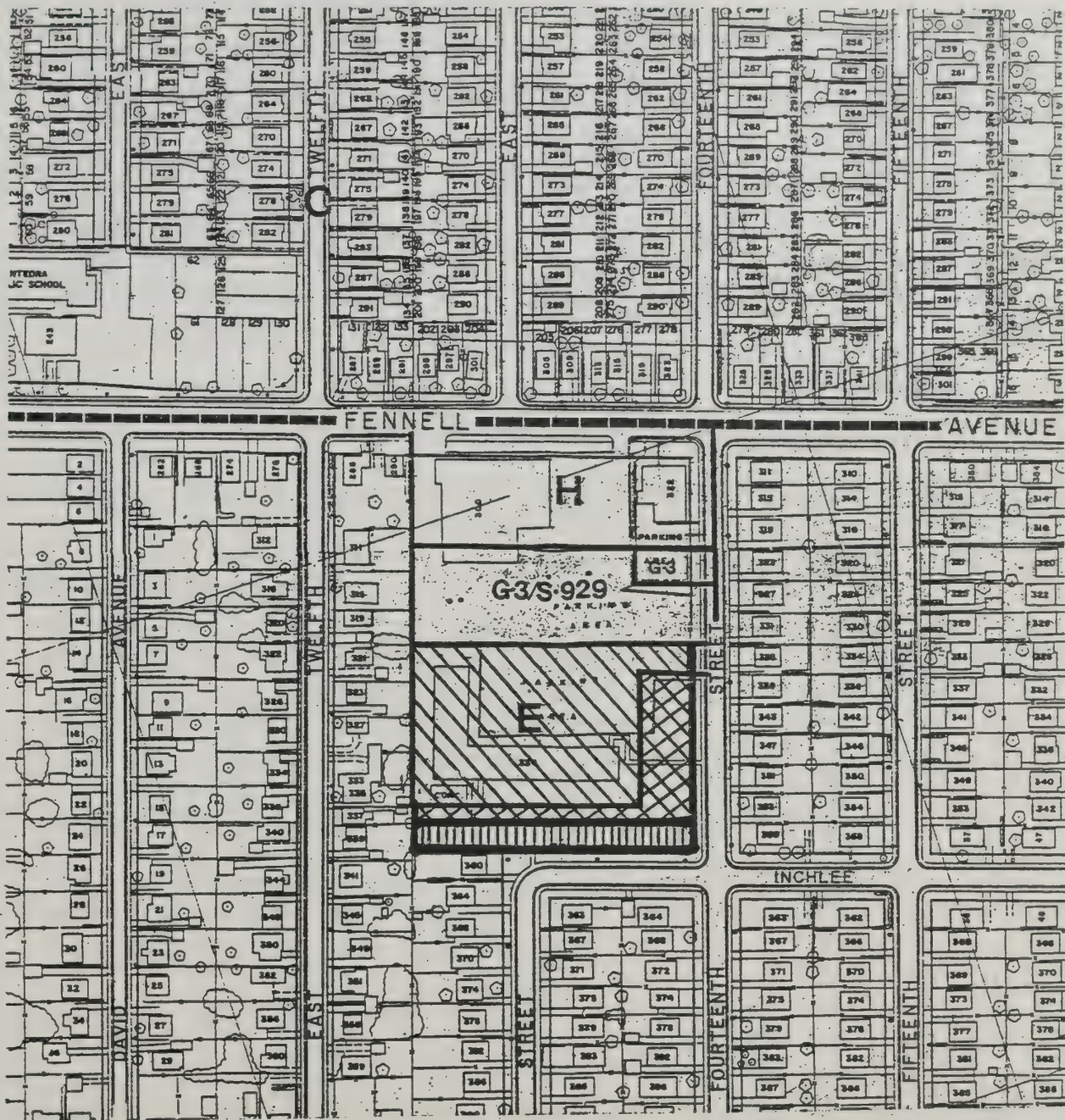
The application, as submitted, was for a modification in zoning and change in zoning for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street to recognize the existing apartment building (Blocks "1" and "2") and to permit three lots for single family dwellings fronting onto Inchlee Drive (Block "3") (see APPENDIX "B"). Council denied the application, as submitted, because the proposed development of 3 lots for single detached dwellings was considered to be an over-intensification of the subject lands in that it would have an adverse effect on the residential character of the area, and particularly the abutting property, which is not consistent with City Council's policies on Housing Intensification and the general intent of the Official Plan.

The applicant did not support the amended application as recommended by Development Planning staff and have subsequently appealed Council's decision to the Ontario Municipal Board. The applicant, by way of letter dated December 23, 1999, has advised that they will not be submitting the required Phase II fee. Therefore, it is necessary for Council to proceed with the By-law in order to implement Council's decision.

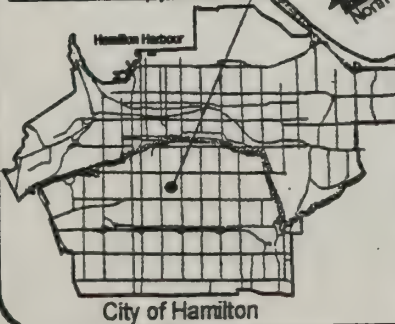
### **CONCLUSION:**

Based on the foregoing, the attached by-law should be enacted by Council.








Site of the Application



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

- BLK 1**  
 Modification to the "E" (Multiple Dwellings) District
- BLK 2**  
 Change in Zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings) District, modified
- BLK 3**  
 Modification to the "C" (Urban Protected Residential, etc.) District

Reference file:

**ZAC-98-26**

Scale

**Not to Scale**

Date

**July, 1999**

Technician:

**B. B.**

**APPENDIX 'A'**







## CITY OF HAMILTON

**- RECOMMENDATION -**

**DATE:** January 19, 2000  
ZAR-99-37  
Carpenter Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for the removal of the Holding Zone for lands located at 723 Rymal Road West (PDC00024)

**RECOMMENDATION:**

- A. That approval be given to Zoning Application ZAR-99-37, Jomar Developments Corporation Inc., owner, for the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for a "Community Care Access Centre" for lands located south of Rymal Road West, east of Glancaster Road and known municipally as 723 Rymal Road West, as shown on the attached map marked as APPENDIX "A"; and,
- B. That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council.

**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to remove the 'H' (Holding) symbol for lands located south of Rymal Road West, east of Glancaster Road and known municipally as 723 Rymal Road West as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) symbol was placed on the lands until such time as the following conditions were satisfied:

- a) The owner preparing and submitting a storm water management study to the satisfaction of the applicable Conservation Authorities and the Manager, Development Engineering Section, Regional Environment Department;
- b) Servicing is available to the subject lands to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,



- c) The applicant entering into all required agreements for the provision of services, with the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

Upon removal of the holding provision, the effect of the By-law is to permit the development of the subject lands for a "Community and Residential Care Access Centre" and to permit the conversion of the existing dwelling into a restaurant.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall pass a By-law to remove the 'H' (Holding) symbol when the conditions have been satisfied.

**BACKGROUND:**

Zoning Application 98-24 – Official Plan Amendment No. 154 and Zoning By-law No. 99-058

City Council, at its meeting January 26, 1999 approved Zoning Application 98-24 and subsequently adopted Official Plan Amendment No. 154 and passed By-law No. 99-058 on April 27, 1999.

Official Plan Amendment No. 158 established a Special Policy Area to permit a "Community and Residential Care Access Centre", including limited commercial uses, within the "Residential" designation for lands located at 723 Rymal Road West. The purpose of By-law No. 99-058 was to provide for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "DE-3" – 'H' (Multiple Dwellings - Holding) District, modified, for the subject lands.

In addition, By-law No. 99-058 applied the holding provision of Section 36(1) of the Planning Act to prohibit development of the subject lands until the following conditions were fulfilled:

- a) The owner preparing and submitting a storm water management study to the satisfaction of the applicable Conservation Authorities and the Manager, Development Engineering Section, Regional Environment Department;
- b) Servicing is available to the subject lands to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,



- c) The applicant entering into all required agreements for the provision of services, with the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

Site Plan Control Application 99-24

Site Plan Control Application 99-24 was approved on December 7, 1999 and the revised plans are currently being finalized.

As part of the site plan review, the applicant was required to prepare an erosion and sediment control plan to the satisfaction of the Development Engineering Section, Land Development Department and the Hamilton Region Conservation Authority (HRCA). The HRCA have verbally advised that the erosion and sediment control plan is satisfactory and the Development Engineering Section have approved said plan.

**COMMENTS RECEIVED:**

- The Traffic Division have advised that they have no objection to the removal of the 'H' (Holding) symbol.
- The Development Engineering Section, Land Development Department have advised of the following:

"The 'Holding Provision' is in place to deal with the following issues:

1. That sewer and water services are available to service the subject lands.
2. That the owner enter into a Special Sewer Service Agreement with the Region of Hamilton-Wentworth.
3. That the site design incorporate stormwater management to the satisfaction of the Conservation Authority and the Region of Hamilton-Wentworth.

There are public watermains available on Rymal Road West and within the Regional easement running through the easterly portion of the subject lands.

There are separate storm and sanitary sewers available on Falconridge Drive to service the subject lands. The storm sewers on Falconridge Drive have limited capacity. Therefore, some of the stormwater runoff from the site is being



controlled by incorporating stormwater management techniques. These controlled flows will discharge overland to the adjacent creek to the west.

We advise that the owner has satisfied the above three conditions and they can therefore be released.

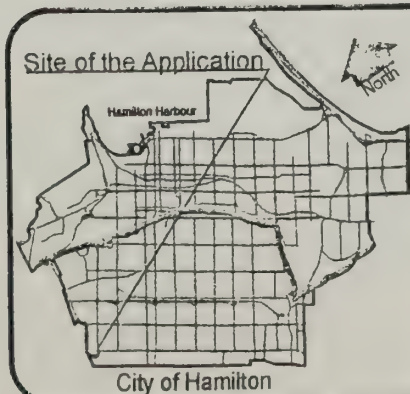
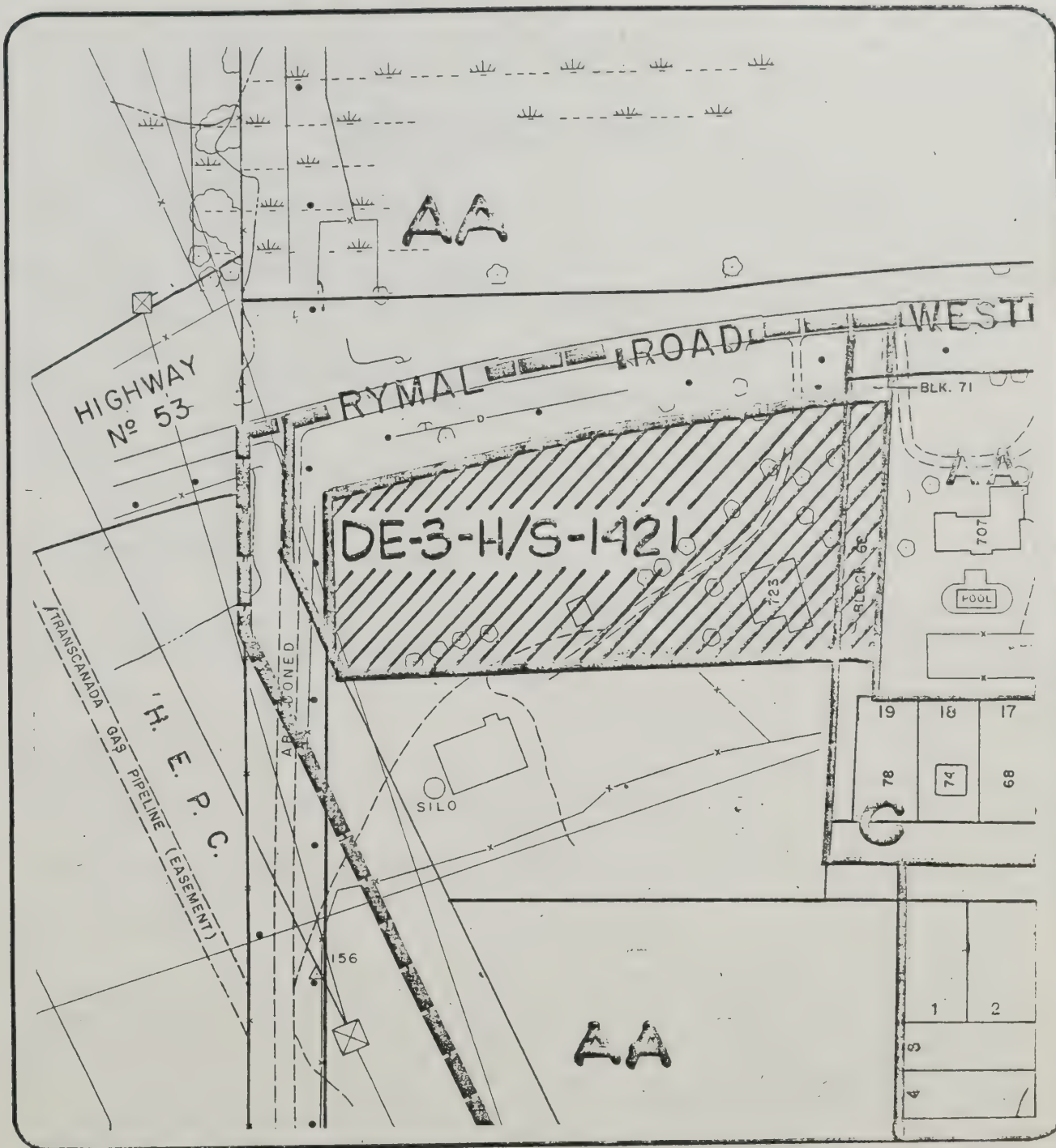
According to our records, all items relating to transportation matters will be dealt with in the Access Agreement between the applicant/owner and the Region. As a condition of site plan approval, the applicant must enter into an Access Agreement with the Region. To date, this matter has not been completed."

**CONCLUSION:**

As the Manager, Development Engineering has advised that the conditions of the holding zone have been satisfied, then the application to remove the 'H' symbol can be supported.

ZA-99-37.doc  
SR/sr





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Further modification in Zoning from  
"DE-3"-H (Multiple Dwellings) District, modified  
to "DE-3" (Multiple Dwellings) District.

Reference file:

**Z-44-99-37**

Scale

**Not to Scale**

Date

**Dec., 1999**

Technician:

**E. B.**

**APPENDIX 'A'**







**CITY OF HAMILTON****- RECOMMENDATION -**

**DATE:** January 18, 2000

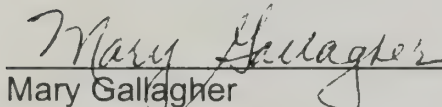
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Additions to Inventory: 195 and 197-199 King William Street  
(PDC00010)

**RECOMMENDATION:**

That the adjoining commercial properties at 195 and 197-199 King William Street be added to the City's Inventory of Buildings of Architectural and/or Historical interest.

  
\_\_\_\_\_  
Mary Gallagher  
Local Architectural Conservation Advisory Committee

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

**BACKGROUND:**

The new owners of 197-199 King William Street contacted Heritage Planning staff in December 1999 to enquire about funding for exterior improvements to this frame building and possibly also the adjacent stone building at 195 King Street East (which they would like to acquire). Given their location opposite Theatre Aquarius and proximity to the new City Places housing project, they see an opportunity to successfully converted one or both buildings to a café/restaurant/pup type of use. The corner building (#197-199) has served as a neighbourhood tavern for many years.

These two buildings are located within the Downtown boundaries but are not currently listed on the Inventory and are therefore not eligible for any substantial funding from the CORE Heritage 2000 Program. Because the facades of both buildings had been drastically altered and the exteriors reclad, their age and wood/stone construction were not evident. Consequently, neither building was listed when the new Downtown neighbourhood was systematically surveyed and a number of buildings added to the Inventory in 1998.



**SUBJECT: Additions to Inventory: 195 and 197-199 King William Street  
(PDC00010) - Page 2**

In December 1999, the current owners of #197-199 researched both this building and #195 and found out that there was a frame building and a stone building standing at the north-west corner of King William and Ferguson as early as 1857 (City of Hamilton Assessment Rolls). Moreover, an historic photograph of the frame building taken when it served as the War Pensioners Tavern (circa 1940's), clearly shows its original appearance (see attached copy of photo published in article by Paul Wilson, The Hamilton Spectator, August 13, 1994). The original clapboard siding and window openings may be intact beneath the insul brick and aluminum siding. In 1917, the building was purchased by M. Brennen & Sons Co. and used as offices and store rooms for their woodworking factory (now the Amity building at the north-east corner of King William and Ferguson).

In the light of this new information on the two buildings, the Research Sub-Committee was asked to re-evaluate them for listing on the Inventory at its last meeting held January 5, 2000. Sub-committee members were impressed with the research undertaken by the new owners and their intent to restore the street facades of both buildings to their original appearance (in the event that they also acquire the stone one at #195). It was therefore, agreed that both buildings should be added to the Inventory.

Map, 1970's photo and Spectator article attached; research report and current photographs available at meeting.



# 195; 197-199 King William Street



CITY OF HAMILTON

BEASLEY  
ZONING

0 100m  
SCALE 50m



PLANNING  
UNIT NO.  
6703

PAGE NO.  
10



Appendix "D"

# Nothing fancy

## Despite going public, this group wants a low profile

By PAUL WILSON  
The Spectator

For six decades, the War Pensioners of Canada have claimed the northwest corner of King William and Ferguson, just down from the police station.

Theirs is not a fancy place. Square building, brown siding. No windows, nowhere.

No one knows who these War Pensioners are. Or why they are there. And that suits them fine.

Low profile is the life they lead. Even though the Hamilton branch of the War Pensioners of Canada has just gone public.

The old order was dying off and you're now allowed to ignore that Members Only sign that still hangs over the door. And you're allowed to sample those "club" prices, those one-dollar drafts.

But all this does not mean the War Pensioners are on the publicity trail.

"We don't need you. We don't need a story," said a sturdy fellow who goes way back in War Pensioners' history. He's a key player, but for some reason he doesn't want his name used.





### SO LET'S CALL him Vic.

Vic said the War Pensioners once did ask The Spec to come by and write something. The paper said it wasn't interested.

That was 40 years ago. The wound has not healed. "You guys had your chance for a story," says Vic. But he consents to providing a brief oral history and a tour.

In the beginning — the early 1920s — there was a judge named F.G.J. McDonagh who decided veterans of the First World War needed a better break and he founded The Canadian Pensioners Association of the Great War.

The first branch opened in Toronto. Hamilton got its charter in June, 1934. Others opened in London, Windsor and Victoria, B.C.

The vets met at that building on the corner. There were even a few from the Boer War. Yes, they drank a beer or two in there, lights low, sawdust on the floor.

But there was the business end, too. The organization had people who knew their way around the veterans' department and could cut through the red tape for members.

But by the 1950s, the Great War name seemed out of date. It had not been the war to end them all and the country was flooded with veterans of the second global conflict.

**SO ON JUNE 9, 1953**, the name became War Pensioners of Canada. (It was this piece of news to which The Spectator unwisely said, "No, thanks." And the 40-year feud began.)

More years passed. And veterans of that second great war began to die off.

So a few months ago, the organization finally decided it was time to change again.

Time to let the general public inside.

Time to give everyone the key to the treasures inside — the big screen TV, the pool table, the 13 small round Arborite tables, the pickled eggs, the \$1.

### The War Pensioners Tavern during its heyday. Below, as it is today.

spaghetti from the can.

Her Majesty looks down on it all. Philip is at her side. The photo's so old he's got hair.

If you're an uppity sort, find another place, says Vic. "This is where blue-collar people come. It's a working man's place." (Working women can come too. The first one walked through the door about 15 years ago.)

Upstairs is the meeting room. Flags, plaques, black-and-white glossies of men long-ago dead. There are still regular meetings, but Vic says it's best not to dwell on how many show up these days.

**THERE'S A BLACK**, leather-bound book that lists the dead. Edward Hadley, on the 6th day of the 10th month of 1954, regimental number 423229. And pages and pages more, alphabetically.

All through the '50s and early '60s, the same man recorded those deaths, in a bold, distinctive hand. Then, one day, it was his turn.

The big sign that went up out front recently just says TAVERN in big letters. And now there's only a WPC logo — the words War Pensioners of Canada have vanished.

"No one knew what they meant anyway," says Vic. There are only a few branches left. And Hamilton is the last with its own building.

One day, Vic knows, it will fall too. When it does, the War Amps people will. When we decide the game is over," says Vic, "we're turning over all the assets to them."







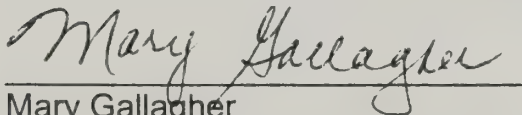


**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** January 24, 2000  
**REPORT TO:** Chairman and Members  
Planning and Development Committee  
**FROM:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee  
**SUBJECT:** Appointment to Historical Advisory Board

**RECOMMENDATION:**

That Mr. Brian Henley be appointed as the LACAC's representative on the Historical Advisory Board.



Mary Gallagher  
Local Architectural Conservation Advisory Committee

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

**BACKGROUND:**

The Local Architectural Conservation Advisory Committee at its meeting held on Monday, January 17, 2000 approved the above noted recommendation.







**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** January 26, 2000

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items be received for information purposes:

- (a) Acting Commissioner, Public Works and Traffic re: Downtown Hamilton BIA, Revised Board of Management, dated January 12, 2000
- (b) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North, Implementation of Wesley OMB Decision- 6<sup>th</sup> Report, dated January 25, 2000

*Tina Agnello*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.







## CITY OF HAMILTON

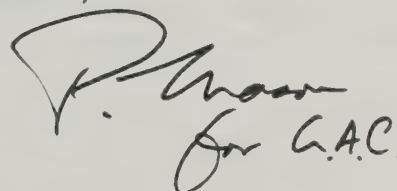
## - INFORMATION -

**DATE:** 2000 January 25  
(ZAC 97-09)

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Ms. Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** 195 Ferguson Avenue North – Implementation of the Wesley OMB  
Decision (sixth report) (PDC 99088D)

**BACKGROUND:**Wesley Community Advisory Committee Meetings

An explanation of the Wesley OMB decision was provided in an Information report dated July 19, 1999. Condition No 8 of the decision required *the Community Advisory Committee (to) report to an appropriate City Council Committee*

This is the sixth report respecting this matter. APPENDIX "A" contains the December 9 minutes of the Wesley Advisory Committee meeting.

Additional meetings will be held to deal with the various conditions.

Ontario Municipal Board Hearing

The OMB reconvened the Wesley hearing for three days – December 13, January 10 and 17. This hearing was precipitated by a letter sent to the Board from a few members of the Wesley Community Advisory Committee who perceived the Wesley Community Advisory Committee process was moving slowly and yielding few results.

One of the concerns the OMB Chairman had was where the funding was coming for the structural improvements (i.e. new front door, enclosed smoking area, air conditioning for meridian co-op (185 Ferguson North) and a new front door security system for Meridian co-op.). He inquired as to whether the City had provided the necessary funding up front and then recover the costs from other level of government at a later date. The response from the planning witness is the City has not funded the improvements and it was not the City's practice to fund such initiatives before other agencies and government agencies were approached.



No formal request for funding for these structural renovations was received by either the City of Hamilton through its General Grant Program nor the Region's Community Grants Program since the Wesley Community Advisory Committee began meeting in June.

There are still a number of unresolved issues with respect to the drop-in-centre but the main area of concern is securing the necessary funding to complete the initiatives. Wesley Urban Ministries has approached the other levels of government, in particular the Ministry of Municipal Affairs and Housing, the federal government and the Region for operational dollars (funding to stay open for 24 hours). At the present time, there has been no commitment by the Province to fund the structural changes. In addition, Wesley Urban Ministries are in the process of applying for funds through the City's grant program. A letter, dated January 14, from Richard Allen, Chairman of the Board for Wesley Urban Ministries has also been sent to the Mayor requesting \$140,000 from the City to implement the OMB Conditions.

Representatives from Wesley Community Homes, Wesley Urban Ministries and the various levels of government will be meeting on January 31 to discuss the funding issues. After that meeting a report to the appropriate Standing Committee of Regional/City Council will be prepared.

To date, no decision by the OMB after this round of hearings has been received. However, if the Board still finds the conditions that were originally proposed are satisfactory, with or without changes to them, there will likely be a very strict timeline to have all these conditions met. The City should be in a position to deal with the funding issues since the City was named as a potential funder for the improvements.

JHE

cc. Ald. Andrea Horwath  
Ward 2

John Spolnik  
Building Department

Art Zuidema  
Legal Services

Carmen Bian  
Social Services and Public Health Division



## APPENDIX "A"

## MINUTES OF MEETING DECEMBER 9, 1999

AMENDED JANUARY 13, 2000

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**COMMUNITY ADVISORY COMMITTEE – WESLEY URBAN MINISTRIES—  
EMERGENCY NIGHT TIME DROP-IN PROGRAM**


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<b>PRESENT:</b>	<b>ORGANIZATION</b>
Sandra Rogers & Richard Gillispie Linda Langston Tosh Namba Tammy Retzer & Doris Anderson Joanne Hickey-Evans Carmen Rachelle Bian (non-voting)  Alderman Ron Corsini	Beasley Neighbourhood Association Wesley Urban Ministries\Wesley Community Homes Meridian Co-operative City of Hamilton Social & Public Health Services—Staff Resource City of Hamilton
<b>REGRETS:</b> Dan Whaley	Paper Fibres
<b>OBSERVERS (ALL NON-VOTING):</b> Heidi Billyard Lindi Barz	Wesley Community Homes Meridian Co-Op

**APPROVAL OF THE MINUTES: November 10, 1999**

Moved by Hickey-Evans and seconded by Retzer that the Minutes of November 10, 1999 be approved.

**CARRIED.****1) BUSINESS ARISING FROM THE MINUTES**

- ♦ Officer Ken O'Breeza was introduced by the Chair to the committee

**2) REVIEW OF SECURITY ISSUES: POLICING**

P.C. Ken O'Breeza described his past experience as a patrol officer in the downtown Hamilton core and his new role in community policing at the Community Policing Centres. The following discussion points were considered:



- ♦ His impression is that crime levels have decreased, there is not as much crime and not as concentrated in the Beasley area as before
- ♦ A discussion ensued about the value of collecting crime statistics and the impact on statistics with recent changes in what crimes police can respond to
- ♦ Officer O'Breeza explained that statistics for just the Beasley neighbourhood could be obtained by requesting special "ad hoc" computer runs by address going back 3-4 years if possible

**ACTION: Officer O'Breeza will attempt to provide statistics specific to the addresses of 185 and 195 Ferguson Avenue North for the Community Advisory Committee in January 2000 if possible**

- ♦ The issue of the transitory nature of residents and clients in the neighbourhood was also discussed as well as the linguistic and cultural challenges in the neighbourhood with respect to policing issues
- ♦ Jane Mulkewich may also be brought in to address race relations issues
- ♦ Neighbourhood Watch will likely be revitalised in the Beasley area as well
- ♦ The priority response system used by the Police Department was also briefly discussed. Statistics would be collected and police involvement would occur in certain neighbourhood incidents only if they meet a "priority" response

**ACTION: To facilitate a better understanding of the priority response system used by the police, Officer O'Breeza will bring material with him to the Community Advisory Committee in January 2000.**

- ♦ Since some issues like noise, may be better solved via by-law enforcement, it was suggested by the Committee that Mr. Frank Westaway be invited to attend the January meeting to explain the by-law enforcement system

### **3) SECURITY UPDATE: WESLEY URBAN MINISTRIES**

#### **A. Meeting with Meridian Co-op**

The meeting to discuss security issues with Meridian Co-op took place on December 7, 1999. WUM had requested that the newly hired security staff be allowed on to the property of Meridian Co-op to address security issues. Although the Board of Meridian has consented to do so, they also expressed a preference for the security staff to be hired independent from WUM. Both parties agreed to meet weekly so that on-going issues can be addressed as the new WUM security staff take on this role. Linda Langston was also to provide pictures of the newly hired security staff to Meridian Co-op so they could be posted.



### **B. Community Complaint Form**

As stated in the November, 1999 Minutes, WUM circulated a complete copy of the Community Complaint Form. There was general agreement that the form was acceptable. Beasley and Meridian are now required to complete the actions as outlined in the November 10, 1999 Minutes.

**ACTION:** That Beasley Neighbourhood Association will post the WUM Community Complaint Form in the Community Centre by December 31, 1999. Meridian Co-op will also post the form by December 31, 1999, but will also ensure that the WUM Community Complaint Form will be circulated at the general membership meeting in February 2000 once the pictures of the security guards were received from Wesley Urban Ministries.

- ♦ With respect to the Community Relations Policy, the Meridian Board supported the policy in principle, and requested two clarifications on the WUM Community Relations Policy as distributed to the Community Advisory Committee on November 10, 1999. Item # 2 WUM will take the item back to the WUM Board for a potential re-wording to ensure that the item is not interpreted to mean that only one avenue will be used to address an issue. Item #3, the WUM Board will be requested to consider changing the wording from "staff are not prepared to" to "staff are not authorized to". Due to timing, it is not likely the WUM will be able to report back on these items until February, 2000.

### **4) WESLEY COMMUNITY HOMES: UPDATE**

- ♦ The Property Committee has taken into consideration the issues raised by the Community advisory committee with respect to the height and type of wall, no benches, and the use of landscaping to absorb noise within the enclosed waiting area.
- ♦ Representatives from Meridian expressed a preference for having the entrance to the Drop-In relocated to the back of the facility. Ms. Hickey-Evans explained from a planning perspective that there are a number of reasons (safety, traffic flow, overall functionality) why moving the entrance to the back is not in the public's interest
- ♦ Ms. Retzer explained that for persons with a disability requiring the use of a scooter or wheelchair, that having the waiting area enclosed poses a potential safety risk and that she has a preference for a more "wide open" waiting area.
- ♦ A number of members discussed the potential of the new smoking area in the back might alleviate some of the loitering concerns in the front of the building and that perhaps moving the entrance may not be required
- ♦ The members present agreed that building the smoking area was a top priority, and other structural changes resulting from the OMB decision



could be re-prioritized once the smoking area has been built and utilized for three months.

- ♦ A formal commitment of \$12,000 has been received from the WUM Board and the Property Committee is following up with respect to by-law requirements, building permits, hiring an architect etc.
- ♦ The restricted card access system was briefly discussed. WCH will be making arrangements to have a security audit completed at Meridian Co-op
- ♦ WCH is still awaiting cost estimates for the air conditioning. The question of who will pay for on-going maintenance costs has yet to be addressed.

**5) OTHER BUSINESS:**

**A. OMB HEARING**

- ♦ Scheduled for Monday, December 13, 1999, 10:00, Hamilton City Hall Room 110.

**B. CHAIR OF THE COMMITTEE**

- ♦ The issue as to whether or not someone in a more neutral position should chair the committee. This issue was raised by representatives of the Meridian Co-op based upon comments made at a previous Board meeting. The other committee members expressed a satisfaction with the Chair to date, but agreed that Meridian should feel free to raise the issue at the OMB hearing if desired

**6) NEXT MEETING:**

<p style="text-align: center;"><b>THURSDAY, JANUARY 13, 2000</b> <b>MERIDIAN CO-OP, 185 FERGUSON AVE N, BOARDROOM</b> <b>9:30 TO 12:00 REGRETS ONLY TO CARMEN @ 546-2187</b></p>
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3.6 b)

# CITY OF HAMILTON

## - INFORMATION -

**DATE:** 2000 January 12  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** **Downtown Hamilton Business Improvement Area (B.I.A.)  
Revised Board of Management (PWT00027)**

### BACKGROUND:

At its meeting held 1999 December 21, the Downtown Hamilton B.I.A. accepted the resignation of one of its Board of Management members, namely:

A. Peckham, The Royal Bank

The Municipal Act, Section 220, dictates that "each member shall hold office from the time of appointment until the expiration of the term of the council that made the appointment, if the member continues to be qualified..." and, further "where a vacancy occurs from any cause, the council shall appoint a person qualified to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed". The Municipal Act does not address the minimum/maximum number of members of a Board of Management of a B.I.A.

The Downtown Hamilton B.I.A.'s constitution dictates that the Board of Management will consist of a maximum of 17 members with no fewer than 7 members (not including the Ward Aldermen). The resignation of the above individual brings the remaining number of Board members to 13, not including the Ward Aldermen, therefore the resignation is not in contravention to the Downtown Hamilton B.I.A.'s constitution. However the Downtown Hamilton B.I.A. is considering the addition of new members to its Board of Management.

HM:hm

*Charles Guthro*

c.c. C. Gorni, Executive Director, Downtown Hamilton B.I.A.  
Alderman A. Horwath, Alderman Ward 2







4.

**Office of the Municipal Clerk**  
**Memorandum**

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**TO:** Carolyn Biggs  
Legislative Assistant  
Transport and Environment Committee

**FROM:** J. J. Schatz  
Municipal Clerk  
Office of the Municipal Clerk

**PHONE:** (905) 546-2727

**DATE:** 1999 December 7

**SUBJECT:** B.I.A. Capital Improvements

This will confirm that City Council at its meeting held November 24, 25, 1999 approved Section 10 of the Seventh Report for 1999 of the Committee of the Whole respecting the above noted matter as follows:

**10. B.I.A. Capital Improvements**

That the following recommendation respecting funding to the B.I.A.'s for capital improvements be referred to the Transport and Environment Committee:

That \$15,000 for each Business Improvement Area be included in the Capital Budget for capital improvements.

Trusting that this confirmation is of assistance to you.

Cc A. Ross, General Manager, Finance  
H. Milsome, Public Works and Traffic

*J. Schatz*  
*for Jfs*







# Office of the Municipal Clerk

## Memorandum

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**TO:** Tina Agnello  
Legislative Assistant  
Planning and Development Committee

**FROM:** Carolyn A. Biggs  
Legislative Assistant  
Transport and Environment Committee

**PHONE:** (905)546-2604

**DATE:** December 15, 1999

**SUBJECT:** Referral from City Council  
B.I.A. Capital Improvements

Attached is a recommendation from the City Council meeting held November 24, 25, 1999 which was referred to the Transport and Environment Committee.

In speaking with the mover of the recommendation, Alderman Wilson, he is of the opinion that this matter can be more appropriately dealt with at the Planning and Development Committee.

*cab.*

c.c. A. Ross, General Manager, Finance  
H. Milsome, Public Works and Traffic







URBAN  
MUNICIPAL



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2000

# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Wednesday February 23, 2000

9:30 a.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

FEB 23 2000

GOVERNMENT DOCUMENTS

Tina Agnello  
Legislative Assistant

### CALL TO ORDER

#### 1. DECLARATIONS OF INTEREST

#### 2. PUBLIC MEETINGS:

2.1 SAC-99-04 & ZAC-99-39 for lands South of Royalvista Drive and West of Upper Gage Avenue (PDC00039)

2.2 ZAC-99-40 for Lands Located at 1389 Upper James Street (PDC00040)

2.2.1 Submission-Mary Lou Dickson, 1428 Upper James Street, Hamilton

#### 3. ADOPTION OF MINUTES

3.1 Minutes of the Meeting Held February 2, 2000

#### 4. CONSENT ITEMS

4.1 Demolition of 244 King St. E., Implementation of the Ferguson Avenue Master Plan (PWT00037)

4.2 Downtown Hamilton BIA- Proposed Budget and Schedule of Payments for 2000 (PWT00039)

4.3 Ottawa Street BIA- Proposed Budget and Schedule of Payments for 2000 (PWT00045)







4.4 Final Lot Grading and Sodding Contract for Various Subdivisions in Hamilton During the Year 2000 (PDC00028)

4.5 Information Items

**5. FOR INFORMATION:**

5.1 Extra Funding for Federal Renovation Programs (HSB00004)

**6. OTHER BUSINESS**

**7. ADJOURNMENT**







## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 February 4  
SAC-99-04 and ZAC-99-39  
Eleanor Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for approval of a draft plan of subdivision "Royalvista Court" and changes in zoning for lands located south of Royalvista Drive and west of Upper Gage Avenue (PDC00039)

**RECOMMENDATION:**

- A. That approval be given to Subdivision Application 99-04, (Regional File No. 25T-99010), A. Nesci and 683595 Ontario Inc. to establish a draft plan of subdivision "Royalvista Court", on lands located south of Royal Vista Drive and west of Upper Gage Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (a) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated October 18, 1999, showing 8 lots for single detached dwellings and 1 block for future development with the abutting lands, attached as Appendix "B";
  - (b) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
  - (c) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
  - (d) That the final plan conform with the Zoning By-law approved under the Planning Act;
  - (e) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;



- (f) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (g) That the Owner agree to include the following warning clause to be registered on title of Lot 8 within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director, Land Development Department, Community Planning and Development Division and the Corporate Counsel:

*"Purchasers are advised that noise levels originating from Upper Gage Avenue may become of concern, occasionally interfering with some activities of the occupant."*

- (h) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton and Region of Hamilton-Wentworth prior to development of any portion of these lands.
- (i) That the owner/applicant establish a 0.30 metre reserve adjacent to Upper Gage Avenue along the full frontage of Block 9. The reserve is to be transferred to the City of Hamilton upon registration of the final plan for Block 9. The Reserve is to be established outside the existing road allowance and will be transferred back to the owner once the ultimate design for Block 9 has been registered on title to the satisfaction of the General Manager, Community Planning and Development Division.
- (j) That Part 8 on Reference Plan 62R-9436 is dedicated to the Region for road widening purposes.
- (k) That Parts 6 and 7 on Reference Plan 62R-9436 be dedicated to the City of Hamilton for road widening purposes to complete the required daylight triangle.
- (l) That the owner agree in writing and register on title of Lot 8 that vehicular access to Lot 8 must be within the 4.5m frontage on Royal Vista Drive outside of the daylight triangle.
- (m) That the owner purchase Part 5 on Reference Plan 62R-9436 from the City of Hamilton and merge it in title with these lands to the satisfaction of the Director, Land Development Department, Community Planning and Development Division and the Corporate Counsel.
- (n) That the applicant/owner enter into appropriate agreements with the City of Hamilton and the Region of Hamilton-Wentworth to pay all outstanding land,



servicing, and road costs on Royalvista Drive.

- (o) That the owner submit the necessary documentation to the satisfaction of the Manager, Development Engineering Section, Land Development Department that the utility easement running east-west is no longer required and has been extinguished.
- (p) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act.
- (q) That prior to the registration of the proposed plan of subdivision, the owner file with the City of Hamilton an application for exemption from part lot control for the purpose of creating maintenance easements for Lots 1 – 8 to the satisfaction of the Manager, Development Planning, Land Development Department.
- (r) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Manager, Development Engineering Section, Community Planning and Development Division.

- B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-99-04/25T-99010), "Royalvista Court", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met.
- C. That the Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- D. That approval be given to **Zoning Application ZAC-99-39, A. Nesci and 683595 Ontario Inc.**, for changes in zoning from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "R-4" (Small Lot Single Family Dwelling) District (Block "1"), from "L-c" (Planned Development – Commercial) District, modified, to "R-4" (Small Lot Single Family Dwelling) District (Block "2"), from "L-c" (Planned Development – Commercial) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District (Block "3"), from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District (Block "4"), and, from "G" (Neighbourhood Shopping Centre, etc.) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District (Block "5") to



permit the use of the subject lands for single detached residential uses, for lands located south of Royalvista Drive and west of Upper Gage Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Block "1" be rezoned from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "R-4" (Small Lot Single Family Dwelling) District;
- (b) That Block "2" be rezoned from "L-c" (Planned Development – Commercial) District, modified, to "R-4" (Small Lot Single Family Dwelling) District;
- (c) That Block "3" be rezoned from "L-c" (Planned Development – Commercial) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District;
- (d) That Block "4" be rezoned from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District; and,
- (e) That Block "5" be rezoned from "G" (Neighbourhood Shopping Centre, etc.) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District.
- (f) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed "C" (Urban Protected Residential, etc.) District applicable to Blocks "3", "4" and "5". The holding provision will prohibit the development of the subject lands, referred to in sections (D)(c), (D)(d) and (D)(e), until such time as the following conditions have been satisfied:
  - (i) That the lands shown as Blocks "3", "4" and "5" be assembled for the purpose of orderly development to the satisfaction of the Director, Land Development Department, Community Planning and Development Division; and,
  - (ii) The applicant/owner applying for and receiving draft plan approval by the Region of Hamilton-Wentworth of a Plan of Subdivision.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions by enactment of an amending By-law once the conditions have been fulfilled;



- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps E-38C and E-38D be notated as S - ;
- (h) That the Corporate Counsel of Legal Services be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council;
- (i) That upon redesignation of the subject lands in the approved Eleanor Neighbourhood Plan from "Commercial" and "Utilities" to "Single and Double" Residential, then the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area; and,
- (j) That the approved Eleanor Neighbourhood Plan be amended to redesignate the subject land from "Commercial" and "Utilities" to "Single and Double" Residential and to revise the street plan to provide for the proposed cul-de-sac.

#### **EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for changes in zoning for lands located south of Royal Vista Drive and west of Upper Gage Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as Appendix "A" on the following basis:

- Block "1" - from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "R-4" (Small Lot Single Family Dwelling) District;
- Block "2" - from "L-c" (Planned Development – Commercial) District, modified, to "R-4" (Small Lot Single Family Dwelling) District;
- Block "3" - from "L-c" (Planned Development – Commercial) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District;
- Block "4" - from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District; and,
- Block "5" - from "G" (Neighbourhood Shopping Centre, etc.) District, modified, to "C" – 'H' (Urban Protected Residential, etc. - Holding) District.



The effect of the proposed change in zoning is to permit the development of Blocks "1" and "2" for 8 lots for small lot single detached dwellings fronting onto Royalvista Drive (average lot width of 10.0 m), and 1 block (Block "3") to be developed with the abutting lands (Blocks "4" and "5") for future development of 12 single detached dwellings.

In addition, the By-law also establishes the holding provisions of Section 36(1) of the Planning Act on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed "C" District zoning. The holding provisions will prohibit development of the subject lands until the following conditions are fulfilled:

- a) Land assembly of Blocks "3", "4" and "5" to ensure that orderly development occurs; and,
- b) The applicant/owner applying for and receiving draft plan approval by the Region of Hamilton-Wentworth of a Plan of Subdivision.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for draft approval of a plan of subdivision and a Zoning By-law amendment.

#### **BACKGROUND:**

##### Proposal

The application is for changes in zoning from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "R-4" (Small Lot Single Family Dwelling) District (Block "1"), from "L-c" (Planned Development – Commercial) District, modified, to "R-4" (Small Lot Single Family Dwelling) District (Block "2"), from "L-c" (Planned Development – Commercial) District, modified, to "C" (Urban Protected Residential, etc.) District (Block "3"), from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "C" (Urban Protected Residential, etc.) District (Block "4"), and, from "G" (Neighbourhood Shopping Centre, etc.) District, modified, to "C" (Urban Protected Residential, etc.) District (Block "5") as shown on Appendix "A" to permit the use of the subject lands for 8 single family dwellings to be developed in accordance with the proposed plan of subdivision "Royalvista Court" (see APPENDIX "B").



Applicant:

A. Nesci and 683595 Ontario Inc.

Agent:

A. Fletcher, A.J. Clarke & Associates Limited.

Surveyor:

B.J. Clarke, O.L.S.

**LOT SIZE AND AREA:**

The subject lands are rectangular in shape and have:

- a frontage of 93 m along Royalvista Road;
- a depth of 58 m along Upper Gage Avenue; and,
- a lot area of 0.49 ha (1.2 acres).

**LAND USE AND ZONING:**

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"D" (Urban Protected Residential – One and Two Family, etc.) District, modified, "L-c" (Planned Development – Commercial) District, modified, and "G" (Neighbourhood Shopping Centre, etc.) District, modified.
<u>Surrounding Land Use</u>		
to the north	Single Detached Dwellings and Vacant Lands	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the south	Single Detached Dwelling	"L-mr-1" (Planned Development – Multiple Family Residential) District



To the west	Single Detached Dwellings	"D" (Urban Protected Residential – One and Two Family, etc.) District, modified
To the east	Street Townhouse Dwellings and Vacant Lands	"RT-30" (Street Townhouse) District and "RT-20" (Townhouse – Maisonette) District

### **OFFICIAL PLAN:**

The subject lands are designated "COMMERCIAL" on Schedule "A" of the Official Plan. Upon redesignation of the subject lands from "Commercial" and "Utilities" to "Single and Double" Residential in the approved Eleanor Neighbourhood Plan, then the proposed changes in zoning will comply with the Official Plan.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Commercial" and "Utilities" in the approved Eleanor Neighbourhood Plan. A neighbourhood plan amendment is required to redesignate the subject lands from "Commercial" and "Utilities" to "Single and Double" Residential and to revise the road network to provide for a future cul-de-sac off of Upper Gage Avenue.

### **COMMENTS RECEIVED:**

- The Traffic Division, Department of Public Works and Traffic has advised of the following:  
  
"Please be advised that we have reviewed the above application and find it satisfactory."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department, Community Planning and Development Division verbally advised that under the provisions of the "R-4" District, a minimum lot width of 9.0 m (and an average lot width of 10.0 m) and a minimum lot area of 278.0 m<sup>2</sup> (and an average of 306.0 m<sup>2</sup>) are required.
- The Development Planning Section, Land Development Department have advised of the following:
  - "1. The Owner agree to register on title the following noise warning clause for Lot 8 of the proposed development:



*"Purchasers are advised that noise levels originating from Upper Gage Avenue may become of concern, occasionally interfering with some of the activities of the occupant."*

- The Development Engineering Section, Land Development Department have advised of the following:

Zoning Application 99-39:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

As a condition of development approval, we recommend that Part 8 on Reference Plan 62R-9436 be dedicated to the Region for road widening purposes. According to our Office records, this road allowance widening is still outstanding.

As a condition of development approval, we recommend that Parts 6 and 7 on Reference Plan 62R-9436 be dedicated to the City of Hamilton for road widening purposes to complete the required daylight triangle.

As a condition of development approval, Part 5 on Reference Plan 62R-9436 must be purchased from the City of Hamilton and merged in title with these lands.

As a condition of development approval, the applicant/owner must enter into appropriate agreements with the City of Hamilton and the Region of Hamilton-Wentworth to pay outstanding land, servicing, and road costs on Royalvista Drive. Once this has been completed, the City can take the appropriate steps to incorporate the 0.30 m reserve, shown as Part 4 on Reference Plan 62R-9436 into the public highway.

According to our Office records, there appears to be a Utility easement running east-west across Block 4 and 5 on the rezoning plan (Appendix "A"). The status of this agreement should be reviewed by the applicant/owner.

According to the approved Eleanor Neighbourhood Plan, these lands are designated for commercial uses. In conjunction with the review of this application, we recommend that the Eleanor Neighbourhood Plan be reviewed and revised, as required, by Committee and Council. This revision should include a proposed street and development pattern from Royalvista Drive to the north limit of lots fronting onto Erminia Court.

It is unclear from the plans submitted what the final development form of Block 4 and 5 (on Appendix "A") will be. It is intended that these lands be rezoned for single



family development. It is our opinion that some form of development control be place on these lands to ensure that single family development of these lands can only occur in conjunction with adjacent lands to the south. This is required to ensure that direct access to single family homes on Upper Gage Avenue is not available."

Subdivision Application 99-04:

**"Recommendations:**

- 1) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton and Region of Hamilton-Wentworth prior to development of any portion of these lands.
- 2) That the owner/applicant establish a 0.30 metre reserve adjacent to Upper Gage Avenue along the full frontage of Block 9. The reserve is to be transferred to the City of Hamilton upon registration of the final plan for Block 9. The Reserve is to be established outside the existing road allowance and will be transferred back to the owner once the ultimate design for Block 9 has been registered on title to the satisfaction of the General Manager of Community Planning and Development Division.
- 3) That Part 8 on Reference Plan 62R-9436 is dedicated to the Region for road widening purposes.
- 4) Those Parts 6 and 7 on Reference Plan 62R-9436 be dedicated to the City of Hamilton for road widening purposes to complete the required daylight triangle.
- 5 That vehicle access to Lot 8 must be within the 4.5m frontage on Royal Vista Drive outside of the daylight triangle.

**Information:**

- 1) There are Municipal storm and sanitary sewers available of sufficient size and capacities on Upper Gage Avenue and Royal Vista Drive to service these lands directly.
- 2) There is an existing Municipal watermain available on Royal Vista Drive and Upper Gage Avenue of sufficient size and capacity to service these lands directly.
- 3) The City and Region do require road widenings in connection with the development of these lands.



- 4) There will be no Regional share for Municipal services installed within this development.

The submitted plan, as prepared by B.J. Clarke, O.L.S. and date July 13, 1999, and revised October 18, 1999, is satisfactory to the Community Planning & Development Division, subject to the above comments and recommendations."

#### **COMMENTS:**

1. The subject lands are designated "Commercial" and "Utilities" in the approved Eleanor Neighbourhood Plan. Upon redesignation of the subject lands from "Commercial" and "Utilities" to "Single and Double" Residential, then the proposed changes in zoning and subdivision will comply with the general intent of the Official Plan.
2. Approval of the application will require that the Eleanor Neighbourhood Plan be amended to redesignate the subject land from "Commercial" and "Utilities" to "Single and Double" Residential and to revise the street plan to provide for the proposed cul-de-sac off of Upper Gage Avenue.
3. The proposal has merit in that it would be compatible with the abutting and future planned residential uses.
4. The lands shown as Blocks "3", "4" and "5" on Appendix "A" are intended to be developed for 12 lots for single detached dwellings in accordance with the "C" District provisions (see Appendix "C"). However, prior to the development of these lands, land assembly is required and submission of a satisfactory plan of subdivision. In this regard, and in accordance with Section D.3.4 of the Official Plan, it is appropriate to place these lands in a holding zone until such time as the following conditions have been satisfied:
  - (i) That the lands shown as Blocks "3", "4" and "5" have been assembled for the purpose of orderly development to the satisfaction of the Director, Land Development Department, Community Planning and Development Division; and,
  - (ii) The applicant/owner applying for and receiving draft plan approval by the Region of Hamilton-Wentworth of a Plan of Subdivision.
5. The subject lands are presently designated as "Commercial" and "Utilities" in the approved Eleanor Neighbourhood Plan. In 1998, Planning staff undertook a commercial land analysis for vacant designated commercial lands in the vicinity of the Eleanor Neighbourhood. Based on this analysis, there was 15.7 ha of commercial designated and/or zoned lands of which 4.5 ha (including the subject



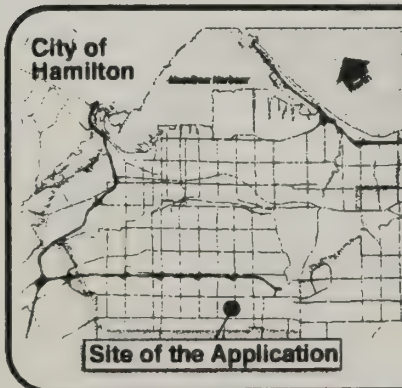
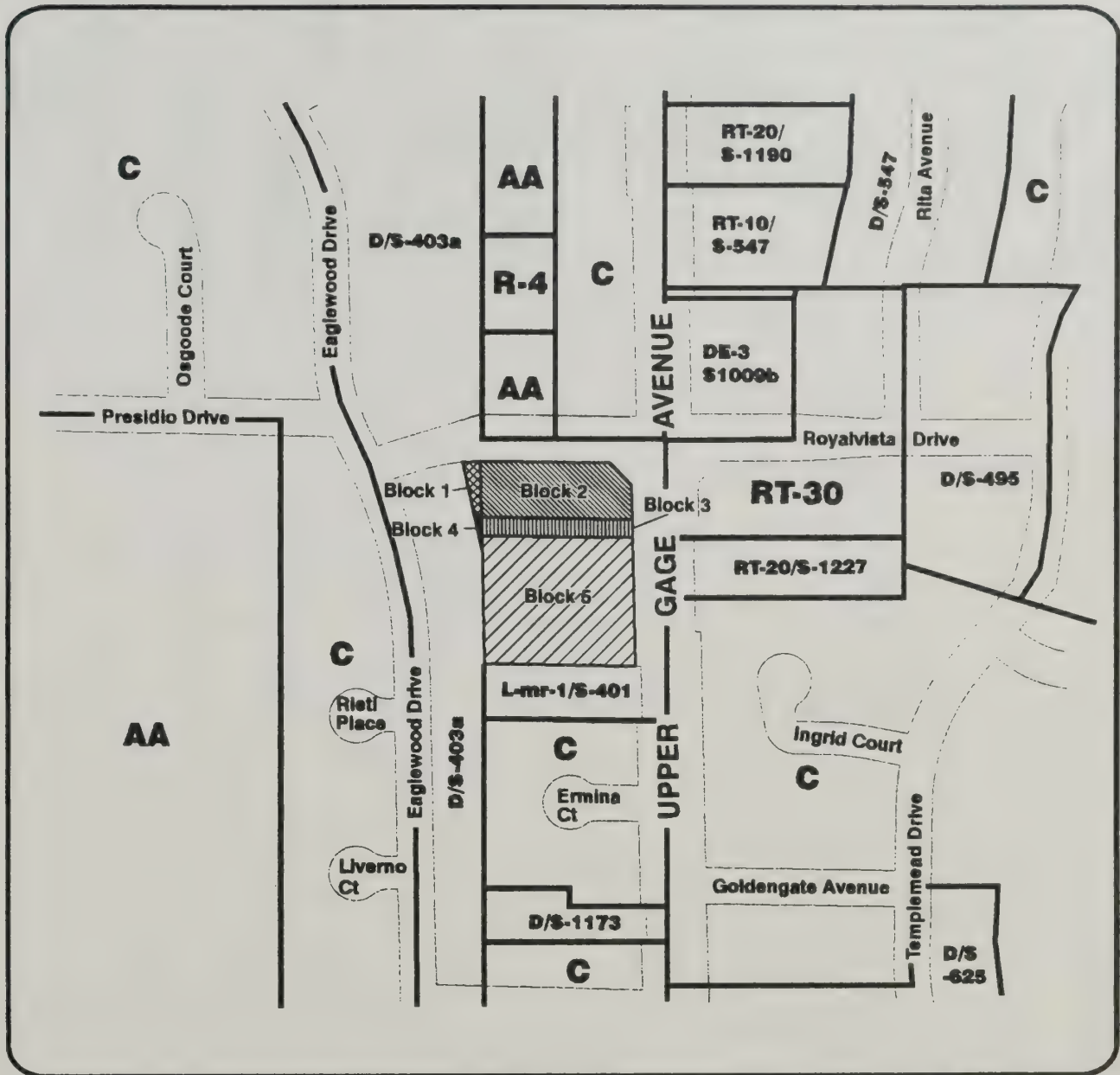
lands) were vacant. The redesignation of the subject lands from "Commercial" to "Single and Double" Residential will reduce the supply of commercial designated lands to 14.7 ha of which 3.5 ha of land is vacant. As such, there appears to be an adequate supply of commercially zoned and designated sites in the area to serve existing and future residents without the need to provide additional lands for commercial development.

6. The applicant is proposing to rezone the subject lands to "C" District and "R-4" District. As a condition of draft plan approval, the proponent will be required to submit a surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.
7. The approved Eleanor Neighbourhood Plan designates a site for park and recreational uses to the west of the subject lands. As such, as a condition of approval the applicant will be required to make a 5% cash-in-lieu payment to the City of Hamilton prior to the registration of the proposed plan of subdivision.

**CONCLUSION:**

Based on the foregoing, the applications can be supported.





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

- |                |  |   |
|----------------|--|---|
| <b>Block 1</b> |  | from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "R-4" (Small Lot Single Family Dwelling) District             |
| <b>Block 2</b> |  | from "L-c" (Planned Development) District, modified to "R-4" (Small Lot Single Family Dwelling) District  |
| <b>Block 3</b> |  | from "L-c" (Planned Development) District, modified to "C"-H" (Urban Protected Residential, etc. - Holding) District  |
| <b>Block 4</b> |  | from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "C"-H" (Urban Protected Residential, etc. - Holding) District |
| <b>Block 5</b> |  | from "G" (Neighbourhood Shopping Centre, etc.) District, modified to "C"-H" (Urban Protected Residential, etc. - Holding) District                              |

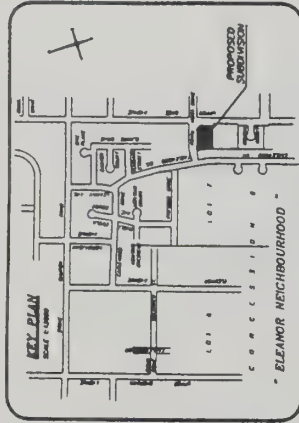
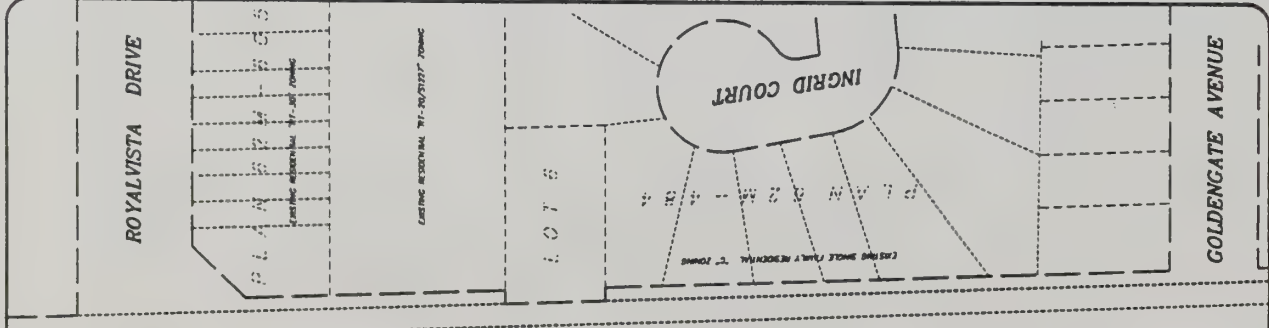
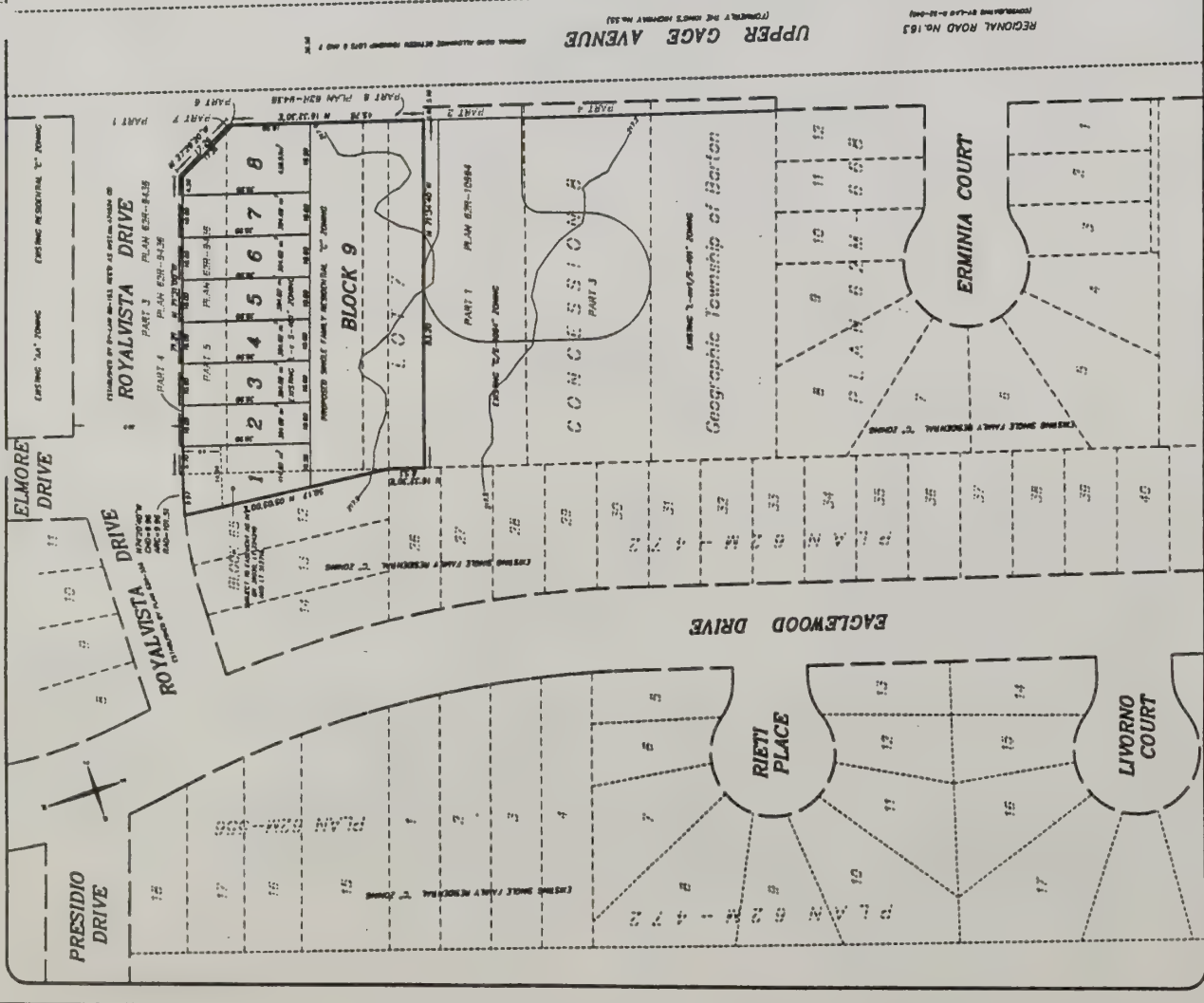
Reference file:  
**ZAC-99-39**

Scale  
**Not to Scale**

Date  
**Dec, 1999**

Technician:  
**D.L.**





**DRAFT PLAN OF**  
**Royalvista Court**  
 BEING A PROPOSED SUBDIVISION OF  
**BLOCK 65-EAGLEWOOD ESTATES-PHASE 1**  
 REGISTERED PLAN 62M-556  
 AND OF  
**PART OF LOT 7-CONCESSION 8**  
 GEORGIC TOWNSHIP OF BARTON  
 CITY OF HAMILTON  
 REGIONAL MUNICIPALITY OF HAMILTON-NORTH  
 SCALE 1:500  
 B. J. CLARKE O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

**METHODS:** DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND SHALL BE CONSIDERED TO THE CENTER OF THE ROAD.

**RE: CHAPTER P-13 R.S.O. 1990 SECTION 81(1)**  
**THE PLANNING ACT**

A. SHOWN ON PLAN  
 B. SHOWN ON PLAN  
 C. SHOWN ON PLAN  
 D. SHOWN ON PLAN  
 E. SHOWN ON PLAN  
 F. SHOWN ON PLAN  
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 Y. SHOWN ON PLAN  
 Z. SHOWN ON PLAN

**SURVEYOR'S CERTIFICATE:**  
 I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBMITTED AS SHOWN ON THIS PLAN HAVE BEEN MEASURED AND FOUND TO BE CORRECTLY SHOWN AND THAT THE RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

RECEIVED OCTOBER 18 1999  
 DATE  
 B. J. CLARKE  
 ONTARIO LAND SURVEYOR

**LAND-USE SCHEDULE:**  
 FINAL A.C.E. OF SUBDIVISION: 0.496 ha (12.23 ac)  
 LOTS 1 TO 8 - SINGLE FAMILY (R1) ZONING  
 LOTS 9 TO 16 - SINGLE FAMILY (R1) ZONING  
 TO BE DEVELOPED IN CONFORMANCE WITH ADJACENT LANDS

**SUBDIVISION DRAFT APPROVAL:**  
 APPROVED UNDER SECTION 31 OF THE PLANNING ACT BY THE COMMISSIONER OF  
 ENVIRONMENTAL SERVICES  
 REGIONAL MUNICIPALITY OF HAMILTON-NORTH  
 DATE: 1.10.00

**COMMISSIONER OF ENVIRONMENTAL SERVICES**  
 REGIONAL MUNICIPALITY OF HAMILTON-NORTH  
 ALBION ST. 8TH FL. HAMILTON, ONT. M8N 1A1

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS - PLANNERS - ENGINEERS  
 25 MAIN ST. ONTARIO, CANADA  
 TEL: 905-526-8881 FAX: 905-526-2289











- RECOMMENDATION -

**DATE:** 2000 February 7  
ZAC-99-40  
Ryckmans Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a change in zoning for lands located at 1389 Upper James Street (PDC00040)

**RECOMMENDATION:**

That approval be given to Zoning Application 99-40, J & A Riccio Developments Inc., prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District, for property located at 1389 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- (c) The "HH" (Restricted Community Shopping Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 14. (3) (a) of By-law No. 6593, a front yard of not less than 24.0 metres in depth shall be provided and maintained;
  - (ii) That notwithstanding Section 18A. (9) of Zoning By-law No. 6593, the required maneuvering for parking and loading spaces may be provided and maintained off-site;
  - (iii) That a minimum 3.0 m wide landscape area shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access;
  - (iv) That a planting strip not less than 3.0 metres in width, and a visual barrier not less than 1.8 metres in height and not greater than 2.0 metres in



height shall be provided and maintained along the entire easterly rear lot line;

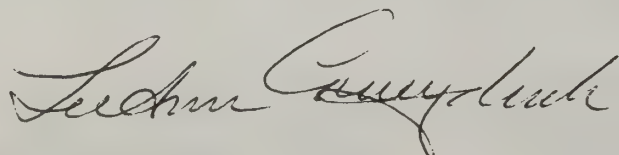
- (d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and the subject lands on Zoning District Map E-9C be notated S - ;
- (e) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C, for presentation to City Council;
- (f) That this proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (g) That the subject lands be redesignated on the approved Ryckmans Neighbourhood Plan from "Civic and Institutional " to "Commercial and Retail Warehouse" upon finalization of the implementing By-law.

#### EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District for lands located at 1389 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands as a commercial development (i.e. restaurant and retail uses) fronting onto Upper James Street. In addition, the By-law provides for the following variances as special requirements:

- Requires a minimum 24.0 m building setback from the front lot line, whereas 12.0 m minimum is permitted;
- Permits required maneuvering for parking and loading spaces to be provided offsite on the site immediately to the north, whereas maneuvering is required to be on the lot on which the principle use, building or structure is located;
- Requires a minimum 3.0 m wide landscape area to be provided and maintained along the entire westerly lot line, except for any area used for driveway access whereas an average 2.0 m minimum is required;
- Requires a minimum 3.0 m wide planting strip and a visual barrier not less than 1.8 m in height and not greater than 2.0 m height to be provided and maintained along the easterly rear lot line.



#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.



**BACKGROUND:**

- Proposal

The applicant is requesting a rezoning for the land located at 1389 Upper James Street (see Appendix "A"). The purpose of the application is to permit a commercial development (i.e. restaurant and retail uses) fronting onto Upper James Street.

The site is currently occupied by the former Barton Community Centre. The applicant has entered into an offer to purchase the site with the intent to demolish the existing building and redevelop the site in conjunction with the lands immediately to the north (i.e. existing furniture warehouse).

**APPLICANT:**

J & A Riccio Development Inc., prospective owner.

**LOT SIZE AND AREA:**

- 30.27 m (99.31 ft.) of lot frontage on Upper James Street;
- 174.028 m (570.59 ft.) of lot depth; and,
- 5,267.82m<sup>2</sup> (1.30 acres) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Barton Community Center	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north	Commercial Retail (i.e. Furniture Store)	"HH" (Restricted Community Shopping and Commercial) District- Modified
To the south	Commercial Retail and Restaurants	"HH" (Restricted Community Shopping and Commercial) District- Modified
To the east	Park	"AA" (Agricultural) District
To the west	Commercial	"HH" (Restricted Community Shopping and Commercial) District- Modified



## OFFICIAL PLAN:

The lands are designated **Commercial** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1      The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.13      Where feasible, Council will give preference to SHOPPING CENTRES proposed to be located in Extended Commercial areas where such CENTRES serve to infill or consolidate existing Commercial development.
- A.2.2.34      COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- A.2.2.35      Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
  - i)      Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated:
  - ii)      Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential uses; and,
  - iii)      Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.36      The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- A.2.2.40      Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impact on adjacent Residential Uses."

The proposal is also located within Special Policy Area 31b on Schedule B – Special Policy Areas of the Official Plan. Accordingly, the following policies of Subsection A.2.9.3 – Other Policy Areas should also be noted:



"A.2.9.3.26 In keeping with the provisions of Subsection 2.2 – Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

- i) the Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
- ii) In keeping with Clause I) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:
  - c) in AREAS "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
  - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
  - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
- v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

The proposal does not conflict with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The lands are designated "Civic and Institutional" on the approved Ryckmans Neighbourhood Plan. The neighbourhood plan should be changed to "Commercial and Retail Warehouse" upon finalization of the implementing by-law.

#### Ryckmans Neighbourhood Plan Policies and Urban Design Guidelines for Upper James Street

"The Upper James Street corridor serves as an entrance to the City. Urban design features such as landscaping, uniform building setbacks and service roads will help provide an attractive and unified appearance for the highway commercial development in this corridor. These features, as described in the following notes, will be implemented by means of site plan control."



### Components:

- "A landscaped strip at least 3.05 m (10 ft.) wide will be located adjacent to the Upper James Street road allowance.
- A 21.34m (70 ft.) wide) front service road will be located next to the landscaped strip. This will provide space for two rows of parked vehicles with a laneway in the middle. This service road will run north-south through each retail/warehousing area. Access will be provided to and from Upper James Street at a limited number of points.
- The retail/warehouse establishments will be located along a uniform mandatory building line, or front yard setback, approximately 24.39m (80 ft.) from the road allowance. These buildings may have variable size, and variable rear lot lines, within a fixed building envelope of a depth which permits a rear service road."

### **RESULTS OF CIRCULARIZATION:**

- The following Departments and Agencies have no comment or objections:
  - Hamilton Region Conservation Authority; and,
  - Union Gas.
- The Department of Public Works and Traffic Department has advised they have reviewed this application and have no comments on the proposed change in zoning.

However, the applicant has also included a preliminary site plan and should be advised that changes will be required for access, parking, loading and truck maneuvering.

- The Building Department has verbally advised that:
  - "1. The property to the north, known as 1379 Upper James Street, was developed under DA-93-02 and is not part of these zoning application comments. Please note that the site plan, as shown, does not conform to the previously approved Development Agreement.
  2. The existing building at 1389 Upper James Street is used as a recreation centre.
  3. The proposed restaurant for three hundred and fifty-five (355) persons requires sixty (60) parking spaces and the proposed 1019m<sup>2</sup> one storey retail store requires nineteen (19) parking spaces for a total of seventy-nine (79) required parking spaces.
  4. The five (5) parking spaces to the north of the restaurant do not provide manoeuvring on site and do not conform as shown.
  5. Based on a gross floor area of 1507m<sup>2</sup>, 1 – 18.0m x 3.7m x 4.3m loading space with manoeuvring on site is required. No dimensions on site plan, however, does not appear to conform.



6. Insufficient information on the site plan to determine if the minimum size parking, loading manoeuvring, access drive widths etc. have been provided.
  7. A minimum required front yard depth of 12.0m is required.
  8. No signage information proposed, however, shall comply with Section 14(A).(1)(c) and 14(A).(3).
  9. A planting strip of not less than 1.5m in width is required along the rear lot line abutting the residential district. Please note a visual barrier minimum 1.2m in height and maximum 2.0m in height is also required along the rear lot line.
  10. A landscaped area having a minimum average width of 2.0m, but not less than 1.0m in width is required along the entire street line.
  11. A demolition permit in the normal manner is required.
  12. A successful application to the Committee of Adjustment is required to establish rights-of-way to the parking areas."
- The Development Engineering Section has reviewed the application and has advised that :

"There are both public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation we understand that the City of Hamilton will be transferring Part 2 of Reference Plan 62R-15097 to the Region of Hamilton-Wentworth for road widening purposes. This transaction will be completed at such time as the City of Hamilton closes on the sale of Part 1 on Reference Plan 62R-15097.

We have no comment on the rezoning approval but cannot support the site plan submitted with the application. The applicant/prospective purchaser may wish to review the site plan with Mr. H. Groen of the Transportation, Operations and Environment Division, Roads Department prior to final zoning approval to ensure that all zoning issues that may generate from a site plan application can be dealt with at the same time.

For the information of the applicant/owner, any rights-of-ways established for access must be to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth and will likely require approval through the Land Division Committee.

Any works within Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."



**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The lands are designated "Civic and Institutional" on the approved Ryckmans Neighbourhood Plan. Upon finalization of the implementing By-law the land should be redesignated from "Civic and Institutional " to "Commercial and Retail Warehouse" to reflect the proposed use.
3. The proposal has merit and can be supported for the following reasons:
  - i) it implements the intent of the Official Plan;
  - ii) the proposal serves to complete the existing pattern of commercial development along this portion of Upper James Street;
  - iii) it would be compatible with the existing and proposed development in the area; and,
  - iv) the requested zoning is appropriate for the subject development.
4. Based upon the preliminary site plan submitted (see Appendix "B"), the following variances as special provisions should be applied to implement the intent of the approved Ryckmans Neighbourhood Plan, in accordance with the Upper James Street Urban Design Guidelines:
  - a minimum 24.0 m front yard setback for Block "1", as proposed, whereas 12.0 m is required;
  - to permit required maneuvering for parking and loading spaces to be permitted offsite on the site immediately to the north whereas maneuvering is required to be on the lot on which the principle use, building or structure is located;
  - a minimum 3.0 m wide landscape area shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access;
  - a planting strip not less than 3.0 m in width and a visual barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the easterly lot line, whereas the By-law requires a 1.5 m minimum planting strip and a visual barrier 1.2 m to 2.0 m in height.

The above-mentioned variances and special requirements, as proposed by the applicant, are consistent with existing development along Upper James and serve to implement the intent of the approved Neighbourhood Plan and the "Upper James Street Urban Design Guidelines."



5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to the "Urban Design Guidelines for Upper James Street Corridor", road widenings, access, parking, loading and truck manoeuvring, landscaping, grading, fencing, lighting, signs, etc. will be further reviewed at the site plan approval stage of development.

Furthermore, it has been noted that the site plan for the property to the north, known as 1379 Upper James Street, developed under DA-93-02, does not conform to the previously approved Development Agreement. Since it is the applicant's intention to develop the subject lands in conjunction with the lands to the north, this matter will be addressed at the site plan stage of development.

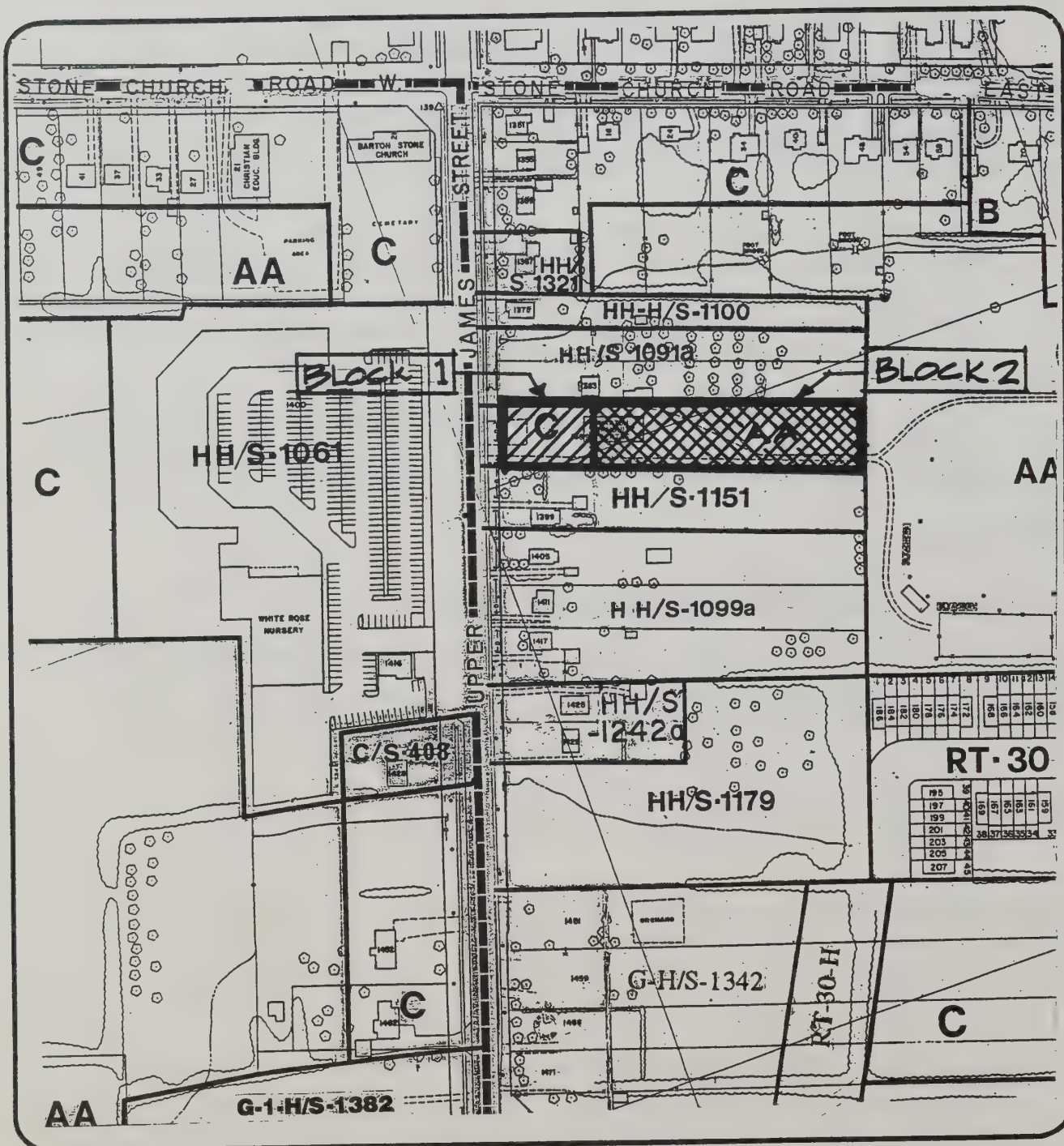
For the information of the applicant, a successful application to the Committee of Adjustment is required to establish a right-of-way to the parking areas of the subject lands as shown on the preliminary site plan (see Appendix "B").

#### **CONCLUSION:**

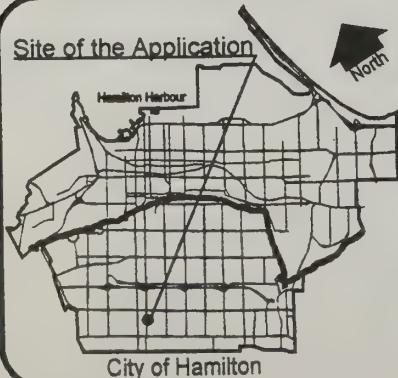
Based on the foregoing, the application can be supported.

JL/jl  
ZAC-99-40  
Attachs.(2)





Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

Change in Zoning from:

**BLK 1**

"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified

**BLK 2**

"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified

Reference file:

**ZAC-99-40**

Scale

**Not to Scale**

Date

**Feb., 2000**

Technician:

**B. B.**

**APPENDIX 'A'**











2.2.1

1428 Upper James Street  
Hamilton, Ontario  
L9B 1K3  
February 8, 2000

Secretary,  
Planning and Development Committee,  
City of Hamilton

Re: File No. ZAC-99-40 Address: 1389 Upper James Street Meeting February 23, 2000  
Application to change zoning in order to permit commercial development

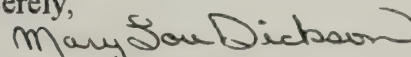
Dear Sir:

I am opposed to the application to change zoning as proposed. Among other reasons are the following:

- (1) The subject property is an integral part of the Bethune Park properties and remains the only location where public access is available from Upper James Street to the bulk of the Park which lies to the east. Ownership of the property was assumed by the City when Barton township was assimilated. The Park, recreation centre and all its accesses were developed by our ancestors for public use and enjoyment. The City should not destroy this heritage. The subject lands have been "sold" subject to rezoning as above. This would not seem to be an "arms-length" agreement, in that the City has decided to permit rezoning in order to sell the subject lands which they care for and own. The scenario parallels that of the sale of the historic school property on Upper James north of Stone Church.
- (2) Removing access from Upper James for pedestrian and vehicle traffic would be inconvenient for persons wishing to access the Park from the west. Furthermore, all traffic would be forced to enter the park via Stone Church Road and secondary streets – causing an increase in traffic through already busy intersections and roads. Inconvenience and noise would increase in the residential neighbourhoods through which traffic would be diverted. At present, for organized sports activities, many vehicles park at the rear of the subject property.
- (3) VISION 2020 for Hamilton promised a continuous trail from park to park across Hamilton mountain. A walkway was left (for example) to the north of the White Rose Plaza from Upper James to West 5<sup>th</sup> Street where the next park is about to be constructed. If the subject lands are zoned commercial and developed, the possibility of preserving a continuous link would be destroyed forever.
- (4) If the City is determined to sell the property, I would suggest that public access by foot and car, be fenced, maintained and dedicated through the subject lands from Upper James Street to the Park, and that existing trees and shrubs remain.

Please deny the application and ensure that the subject lands remain in public hands. Please advise me, and my community, of your decision.

Sincerely,



Mary Lou Dickson







3.1

## MINUTES

### CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, February 2, 2000

9:30 a.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton



---

**Present:** Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

**Regrets:** Mayor R. M. Morrow (Civic Business)

**Also Present:** Alderman Horwath, Alderman B. Morelli, L. Coveyduck, G. Paparella, P. Mason, J. Hickey-Evans, A. Zuidema, T. Redfern, M. Mascarenhas, H. Kayal, R. Fair, K. Duncliffe, E. Switinky, E. Chajka, R. Foulds, C. Bian T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

---

#### THE FOLLOWING ITEMS WERE RECOMMENDED TO COUNCIL:

1. **Authorization for Staff Attendance, OMB Hearing - 66 Mall Rd. (PDC00018)**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:216, respecting property located at No. 66 Mall Road, as shown on attached map marked as APPENDIX "A".



**2. Removal of the Holding Zone for lands at 723 Rymal Rd. W. (PDC00024)**

- (a) That approval be given to Zoning Application ZAR-99-37, Jomar Developments Corporation Inc., owner, for the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for a "Community Care Access Centre" for lands located south of Rymal Road West, east of Glancaster Road and known municipally as 723 Rymal Road West, as shown on the attached map marked as APPENDIX "B"; and,
- (b) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council.

**3. Special Legislation- Protection of Rental Housing Stock (PDC00020)**

- (a) That the staff of the Community Planning and Development Division and the Legal Services Department be directed to request Special Legislation to protect the supply of rental housing stock in the City of Hamilton.
- (b) That the Municipal Clerk be requested to forward Council's resolution to the City of Toronto and the Region of Ottawa Carleton

For the information of the Committee respecting Item 3:

The Committee adjourned into closed session to discuss matters of potential litigation and reconvened immediately thereafter with the abovenoted report.

Alderman Copps and Alderman Charters were recorded as opposed.

Prior to that, a motion was placed on the floor to deny the recommendation and was defeated.

**4. West 5<sup>th</sup> Area Stormwater / Infrastructure Study (PDC00027)**

- (a) That, pursuant to the request of the Community Services Division, Council direct the Community Planning and Development Division to initiate a Stormwater/Infrastructure Study for the West 5<sup>th</sup> Area in accordance with the planning process established in the "Class Environmental Assessment for Municipal Water and Wastewater Projects".



- (b) That the General Manager, Community Planning and Development be authorized to engage consultants to provide project management, studies and reports to an upset limit of \$175,000.00
- (c) That the General Manager, Finance, be directed to identify a source of funding for this study and establish the appropriate accounts.

---

For the Information of the Committee respecting item 4:

A discussion ensued regarding the fact that this project was not included in the Capital Budget deliberations.

A motion was placed before the Committee to table the matter pending completion of negotiations regarding the recreational Proposal for William Connell Park and was defeated.

Alderman Copps was opposed to the main motion.

---

**5. American Planning Association Conference, April 15-19, 2000**

- (a) That the Chairman or his designate and 2 other members of the Planning and Development Committee be authorized to attend the APA Conference in New York, April 15-19, 2000: and
- (b) That cost for attendance is allocated to Alderman's Travel Account No. COHAM 56325 300120.

---

For the Information of the Committee respecting item 5:

This item was introduced verbally as an added item in order to meet the Conference registration deadline and not incur additional costs.

---

**6. Bills:**

That the following Bill be adopted, signed, sealed and enrolled as a By-law:

- (a) C-02 A By-law to Amend By-law No. 6593 As Amended by Bylaws No. 73-115 and 81-28 Respecting Lands Located at Municipal Nos. 24 and



30 Hess Street South.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:**

**(a) Declarations of Interest (Item 1)**

None declared.

**(b) Adoption of Minutes      - January 12, 2000 (Item 2.1)  
   - January 19, 2000 (Item 2.2)**

The Minutes of the meetings held January 12, 20 and January 19, 2000 were adopted.

**(c) Change in Zoning for 334 East 14<sup>th</sup> Street (PDC00019)(item 3.2)**

Following brief discussion The Committee deferred the matter to in camera discussion and reconvened with the following report:

That the item be tabled pending the outcome of the OMB hearing.

**(d) Additions to inventory- Buildings of Architectural/Historical Significance: 195 & 197-199 King William Street (PDC00010) (Item 3.4)**

That the adjoining commercial properties at 195 and 197-199 King William Street be added to the City's Inventory of Buildings of Architectural and/or Historical interest.

**(e) Appointment to Historical Board (Item 3.5)**

That Mr. Brian Henley be appointed as the LACAC's representative on the Historical Advisory Board.

**(f) Information Items (Item 3.6)**

That the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

- (i) Acting Commissioner, Public Works and Traffic re: Downtown Hamilton BIA, Revised Board of Management, dated January 12, 2000



- (ii) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North, Implementation of Wesley OMB Decision- 6<sup>th</sup> Report, dated January 25, 2000

**(g) Referral From Council (Item 4)**

Correspondence from the Committee of the Whole re: BIA Capital Improvements was tabled.

Note: The meeting of the Planning and Development Committee adjourned at 10:40 a.m.

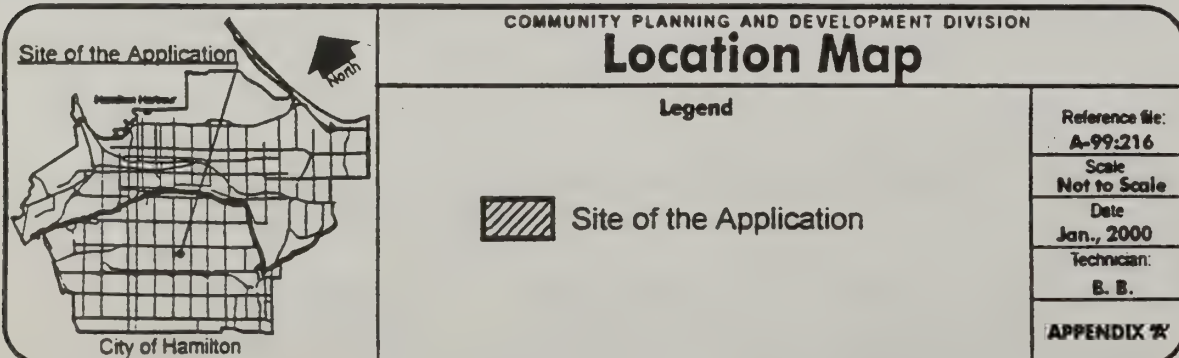
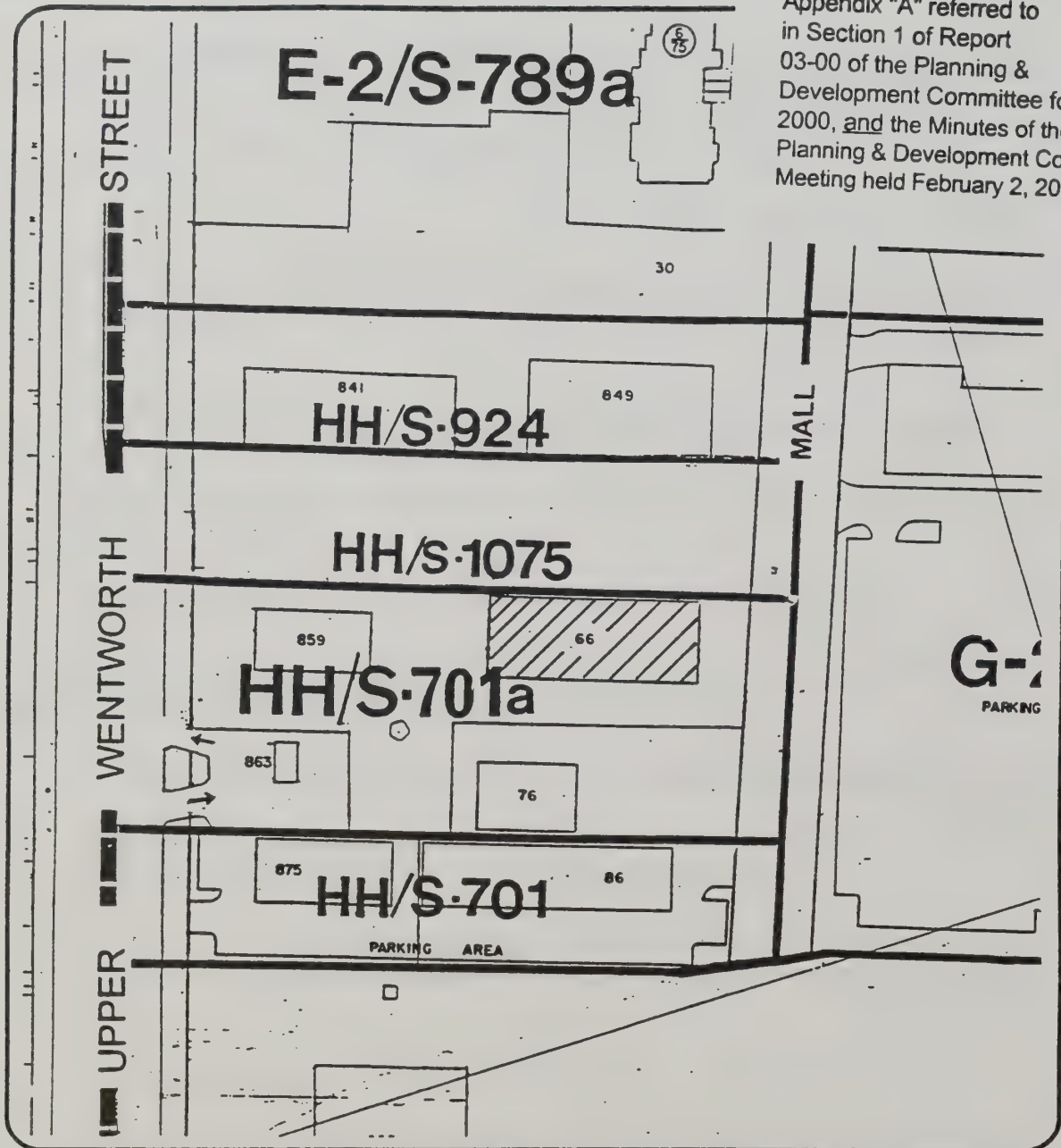
**Respectfully submitted,**

**Alderman F. D'Amico, Chairperson  
Planning and Development Committee**

**Tina Agnello, Legislative Assistant  
February 2, 2000**

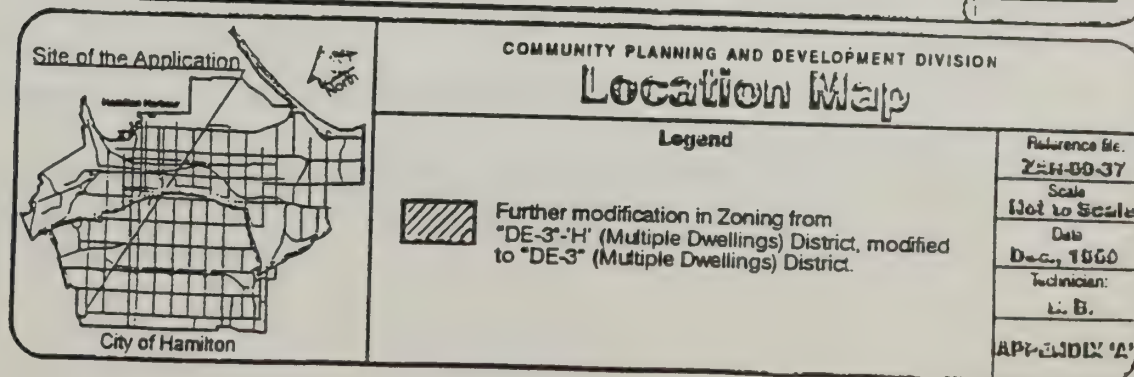
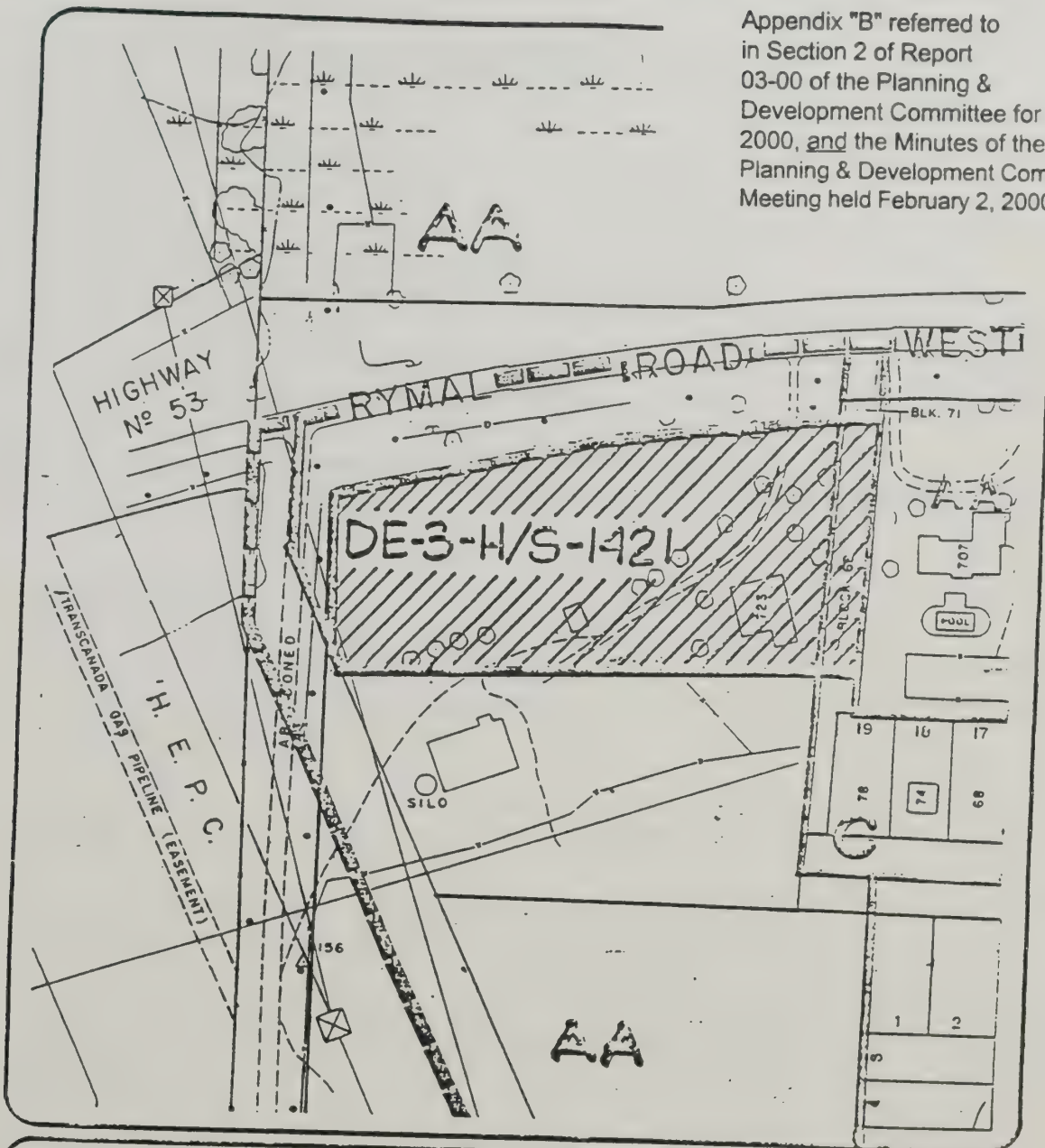


Appendix "A" referred to  
in Section 1 of Report  
03-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held February 2, 2000.





Appendix "B" referred to  
in Section 2 of Report  
03-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held February 2, 2000.









4.1

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 January 18  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Demolition of 244 King Street East –  
Implementation of the Ferguson Avenue Master Plan  
(PWT00037)

### RECOMMENDATION:

- a) That the Acting Commissioner of the Department of Public Works and Traffic be authorized and directed to arrange for the demolition of the City owned property at 244 King Street East; and,
- b) That the cost to demolish the property be charged to Account Number COHAM 520003003, The Ferguson Avenue Implementation Pedestrian/Bicycle Link; and,
- c) That the subject lands be incorporated into the implementation of the Ferguson Avenue Master Plan between King Street East and Main Street East; and,
- d) That the Building Commissioner be authorized to issue a demolition permit in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost to demolish the property, estimated at a total cost of \$50,000. is contained in Account Number COHAM 520003003, The Ferguson Avenue Implementation Pedestrian/bicycle Link.



## **Demolition of 244 King Street East – Implementation of the Ferguson Avenue Master Plan (PWT00037)**

### **BACKGROUND:**

City Council at its meeting held 1996 October 29, approved The Ferguson Avenue Master Plan in its entirety. The Plan sets the implementation guidelines for the redevelopment of Ferguson Avenue from the escarpment to the bay. The Plan creates a pedestrian oriented streetscape and urban edge while complementing and maintaining the integrity of the North End East, Beasley and Corktown neighbourhoods. An objective of the Master Plan during its creation, was to undertake physical improvements on the public road allowance that would spur reinvestment of privately owned lands abutting it. The implementation of Phases One and Two of the Master Plan (between Cannon and Barton Streets and King Street East and King William Street) has witnessed a rejuvenation of privately owned lands as evidenced by;

- the façade improvements undertaken on the property located at 255 King Street East and the planned outdoor patio along Ferguson Avenue
- the proposal to establish a new restaurant at 197 King William Street and the major renovations planned for this property
- the conversion of the building located at 189 Rebecca Street to a commercial/residential building at which the owner has incorporated various Ferguson Avenue design details into the design of the renovations to the building
- the planned commercial/residential project at 171 Main Street East.

The Master Plan identified the need to acquire lands between Main and King Streets for the purpose of implementing that section and ensuring the continuation of the visual connection. City Council at its meeting held 1998 December 8 approved the acquisition of lands designated as 248 King Street East and 244 King Street East. 248 King Street East was utilized for railway purposes and no buildings exist on the site. 244 King Street East has a vacant commercially zoned building on the site.

Staff is recommending the demolition of the existing building to allow the incorporation of the lands into the implementation of the Ferguson Avenue improvements between Main and King Streets. The recommendation to incorporate the lands into the Ferguson Avenue improvements are based on a number of factors including:

- the need for more open space within the downtown core, increased visibility of the corridor and more programming opportunities e.g. outdoor cafes



**Demolition of 244 King Street East – Implementation of the Ferguson Avenue Master Plan (PWT00037)**

- the need to balance bicycle and pedestrian needs by widening the existing sidewalk on Ferguson Avenue South to the west of the site
- the opportunity to effectively represent the historical significance of the site on which the building stands (it sits on the site of the former train station). Structurally the building requires a new roof and is not in itself significant.

While a detailed plan of this section of Ferguson Avenue has not been developed to date, possibilities for incorporation into the design include the potential to celebrate the history of the site through paving an imprint of the former train station and creating a structure that commemorates the historical significance of the site.

HM/hm  
Attachment

cc: P. Lampman, Community Planning and Development  
R. D'Angelo, Facilities  
R. Sager, Public Works and Traffic





Project

244 KING STREET EAST

Title

Location Map

Date

FEB.00

Scale

1:3000

Dwg. No.



# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 January 27  
 Author: H. Milsome

**REPORT TO:** Chairman and Members  
 Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
 Department of Public Works and Traffic

**SUBJECT:** Downtown Hamilton Business Improvement Area (B.I.A.) –  
 Proposed Budget and Schedule of Payment for 2000  
 (PWT00039)

### RECOMMENDATION:

- a) That the 2000 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix 'A') be approved in the amount of \$135,000; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2000 be approved:

March	\$67,500
June	\$33,750
September	\$33,750

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$135,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.



**Downtown Hamilton Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00039)**

**BACKGROUND:**

At its Annual General Meeting held January 26, 2000, the Downtown Hamilton B.I.A. adopted a 2000 operating budget of \$135,000. In accordance with The Municipal Act, R.S.O. 1990, the proposed budget is being forwarded to City Council for approval.

c.c. Alderman A. Horwath, Alderman Ward 2

Carlo Gorni, Executive Director  
Downtown Hamilton B.I.A.

A. Ross, General Manager, Finance Department  
Attn: Anna Apkarian, Supervisor of Tax Administration/Banking



Downtown Hamilton Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00039)

**APPENDIX 'A'**

**DOWNTOWN HAMILTON  
BUSINESS IMPROVEMENT AREA'S  
2000 BUDGET**

**Administration**

Accounting Fees	\$ 2,800	
Telephone	\$ 1,500	
Rent	\$ 9,800	
Meetings	\$ 2,000	
Salary	\$51,000	
Benefits	\$ 2,600	
Office Expenses	\$ 4,500	
Office Equipment	\$ 1,500	
Insurance (D&O+General)	\$ 2,300 (\$800+\$1,500)	
Sub-Total	\$78,000	
Plus Miscellaneous (5%)	\$ 4,000	
<b>TOTAL ADMINISTRATION</b>		<b>\$ 82,000</b>

**Proposed Special Events and Promotions and Estimated Costs**

Music in the City	\$ 8,000	
Easter Program	\$ 4,000	
Explore the Core	\$ 3,000	
Major Core Event	\$25,000	
Christmas In Gore Park	\$ 5,000	
Other Events	\$ 5,000	
<b>TOTAL SPECIAL EVENTS AND PROMOTIONS</b>		<b>\$ 50,000</b>
SUB-TOTAL		\$132,000
Plus GST (3.5%)		\$ 3,000
<b><u>TOTAL B.I.A.BUDGET</u></b>		<b><u>\$135,000</u></b>







4.3

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 January 25  
Author: J. Pacey

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Ottawa Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000  
(PWT00045)

### RECOMMENDATION:

- a) That the 2000 operating budget for the Ottawa Street B.I.A. (attached as Appendix 'A') be approved in the amount of \$54,050; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2000 be approved:

February	\$17,600.00
May	\$17,600.00
September	\$18,850.00

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$54,050. is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.



**Ottawa Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00045)**

**BACKGROUND:**

At its Annual General Meeting held 2000 January 17 the Ottawa Street B.I.A. adopted a 2000 operating budget of \$54,050. The process followed to adopt the Ottawa Street B.I.A.'s 2000 budget was in accordance with the B.I.A.'s constitution.

JP/jp<sup>W</sup>  
Attachment

c.c. Daniel Kwaitkowski, Chairperson  
Ottawa Street B.I.A.

John Bazinet, Vice Chairperson  
Ottawa Street B.I.A.

Alan Ross, General Manager  
Finance Department  
Attn: Anna Apkarian, Supervisor of Tax Administration/Banking



Ottawa Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00045)

APPENDIX 'A'

2000 BUDGET

EXPENSES

Insurance \$ 1,000

Meeting Expenses \$ 400

Office Expenses \$ 1,500

\*This includes Commercial Development Plan Implementation

Rent \$ 1,200

Professional Services \$14,900

*Page By Page Consulting – Office Work and Program Implementation	\$4,000
*Business Owners Development Institute - Advertising Coordination	\$2,500
*Padgett Business Services - Bookkeeping	\$1,200
*Streetfest Coordinator	\$3,000
*Amity -Employment Services- Street cleaning, windows, snow removal	\$1,200
*Sheprott Security Services- 30 nights (TBD)	\$3,000

Special Events \$13,000

Streetfest- All logistics excluding Coordination and Advertising	\$12,000
Christmas – Carolers, Santa, Candy Canes, Free Parking	\$ 1,000

Beautification and Parking \$ 12,050

Flower Planter Maintenance	\$ 1,200
Decorative Banners installation 3 times a year	\$ 1,850
Decorative Lighting hydro for 3 months (\$600/month)	\$ 1,800
Decorative Lighting Program	\$ 6,000
Parking Tokens	\$ 1,200

Advertising \$20,000

\*Monthly Radio Campaign  
\*Full page newspaper advertisements



**Ottawa Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00045)**

\*Monies available to augment individual merchant advertisements

\*Live remote with radio station

	<b>TOTAL</b>	<b>\$62,850.00</b>
<b>Balance carried forward from 1999</b>		<b>\$10,000.00</b>
<b>Total BIA Levies</b>		<b>\$54,050.00</b>

\*G.I.C. To cover rebates on tax assessments if required

**PLEASE NOTE THE FOLLOWING:**

**To All BIA Board Members:**

**All Comments, suggestion, changes need to be submitted by Monday, December 20, 1999.**

**\*Last year's budget was \$34,945 plus \$20,000 carried forward from the Jockey Club**

**\*This proposed budget is \$52,850**

**\*The amount of the GIC will be determined on Monday.**

**Please call me at  
335-0997**

**Patty**



4.4

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 2000 January 31  
C. A. Unelli, E205-05

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager, Community Planning and Development Division

**SUBJECT:** Final Lot Grading and Sodding Contract for Various  
Subdivisions in Hamilton During the Year 2000  
(PDC00028)

**RECOMMENDATION:**

That the General Manager of Finance be authorized and directed to issue an Open Order to Cedar Springs Landscape Contractors Ltd. to provide final lot grading and sodding as and when required during the year 2000 in various subdivisions in Hamilton.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The expenditure will be financed through the Remedial Lot Grading Subdivisions Clearing Account No. A/C COHAM25638 001 100. The expenditure will be recovered from the developer if he does not complete the final lot grading and sodding requirement of the City subdivision agreement.

**BACKGROUND:**

The City of Hamilton subdivision agreements require developers to provide appropriate security to ensure that all lot grading is completed in a satisfactory manner. In situations where deficiencies in the lot grading occur, the subdivider will be notified by the Community Planning and Development Division and be advised that remedial work will be required to correct the deficiencies.

Cont'd...



**SUBJECT:** Final Lot Grading and Sodding Contract  
for Various Subdivisions in Hamilton  
During the Year 2000  
(PDC00028)

Page 2

Cont'd...

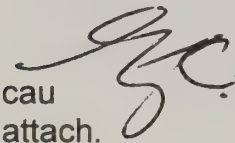
Failure by the subdivider to perform the remedial work will be considered default of the City subdivision agreement whereby the Community Planning and Development Division will utilize an outside contractor to complete the outstanding works.

The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure of the subdivider to pay for the costs of remedial work would result in the City recovering the costs from the subdivision security on hand.

As unit prices vary with each contractor, in order to determine the low bidder, the unit prices received for Quotation Ref. C6-399 were applied to a hypothetical grading scenario with the following results.

1.	Cedar Springs Landscape Contractors Ltd.	\$36,692.44
2.	J. B. Landscape & Construction	\$49,179.43
3.	O. Ciccarelli & Sons Contracting Ltd.	\$49,416.35
4.	Treefrog and Co. Landscaping	\$50,676.97

The contract is being awarded to Cedar Springs Landscape Contractors Ltd. as their bid of \$36,692.44 is the lowest of four quotations received (refer to the attached spread sheet) in accordance with specifications issued by the Manager of Accounting and Purchasing and Vendor's quotation, to provide final lot grading and sodding as and when required during the year 2000 in various subdivisions in Hamilton. If any work is required to be completed by the City, in the event a subdivider defaults, it shall be financed through the Remedial Lot Grading Subdivisions Clearing Account No. A/C COHAM25638 001 100. Expenditures will be recovered from the developer.

  
cau  
attach.

cc: Mr. P. Lampman, Acting Building Commissioner  
cc: Mr. A. Ross, General Manager of Finance



THE CORPORATION OF THE CITY OF HAMILTON

Ref: C6-399

Closed Jan. 18/00

Final Lot Grading & Sodding (Scenerio)

Item	Qty	Cedar Springs		J.B Landscape		O. Ciccarella & Sons		Treefrog Landscape	
		Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	1800	\$ 2.20	\$ 3,960.00	\$ 4.50	\$ 8,100.00	\$ 3.00	\$ 5,400.00	\$ 7.90	\$ 14,220.00
2	1800	\$ 2.00	\$ 3,600.00	\$ 4.00	\$ 7,200.00	\$ 5.63	\$ 10,134.00	\$ 2.95	\$ 5,310.00
3	1800	\$ 1.80	\$ 3,240.00	\$ 3.75	\$ 6,750.00	\$ 1.72	\$ 3,096.00	\$ 5.90	\$ 10,620.00
4	65	\$ 12.00	\$ 780.00	\$ 15.50	\$ 1,007.50	\$ 16.50	\$ 1,072.50	\$ 14.88	\$ 967.20
5	7	\$ 48.00	\$ 336.00	\$ 65.00	\$ 455.00	\$ 185.00	\$ 1,295.00	\$ 46.20	\$ 323.40
6	24	\$ 220.00	\$ 5,280.00	\$ 180.00	\$ 4,320.00	\$ 194.00	\$ 4,656.00	\$ 148.20	\$ 3,556.80
7	15	\$ 240.00	\$ 3,600.00	\$ 260.00	\$ 3,900.00	\$ 248.00	\$ 3,720.00	\$ 198.85	\$ 2,982.75
8	25	\$ 38.00	\$ 950.00	\$ 53.00	\$ 1,325.00	\$ 50.00	\$ 1,250.00	\$ 42.68	\$ 1,067.00
9	40	\$ 64.00	\$ 2,560.00	\$ 75.50	\$ 3,020.00	\$ 66.00	\$ 2,640.00	\$ 36.56	\$ 1,462.40
10a	20	\$ 32.00	\$ 640.00	\$ 22.00	\$ 440.00	\$ 35.00	\$ 700.00	\$ 21.25	\$ 425.00
10b	240	\$ 28.00	\$ 6,720.00	\$ 20.00	\$ 4,800.00	\$ 30.00	\$ 7,200.00	\$ 16.25	\$ 3,900.00
10c	6	\$ 86.00	\$ 516.00	\$ 150.00	\$ 900.00	\$ 225.00	\$ 1,350.00	\$ 67.50	\$ 405.00
10d	20	\$ 45.00	\$ 900.00	\$ 52.00	\$ 1,040.00	\$ 55.00	\$ 1,100.00	\$ 42.70	\$ 854.00
10e	7	\$ 55.00	\$ 385.00	\$ 55.00	\$ 385.00	\$ 55.00	\$ 385.00	\$ 52.00	\$ 364.00
10f	7	\$ 55.00	\$ 385.00	\$ 55.00	\$ 385.00	\$ 55.00	\$ 385.00	\$ 61.20	\$ 428.40
11	2	\$ 50.00	\$ 100.00	\$ 250.00	\$ 500.00	\$ 550.00	\$ 1,100.00	\$ 66.85	\$ 133.70
12	10	\$ 18.00	\$ 180.00	\$ 18.00	\$ 180.00	\$ 20.00	\$ 200.00	\$ 8.70	\$ 87.00
13	20	\$ 8.00	\$ 160.00	\$ 16.00	\$ 320.00	\$ 25.00	\$ 500.00	\$ 12.75	\$ 255.00
Sub Total			\$34,292.00		\$45,027.50		\$46,183.50		\$47,361.65
GST			\$ 2,400.44		\$ 3,151.93		\$ 3,232.85		\$ 3,315.32
Total			\$36,692.44		\$48,179.43		\$49,416.35		\$50,676.97







**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** February 15, 2000

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Acting General Manager/MOH Social and Public Health Services Division re: Extra Funding for Federal Renovation Programs (HSB0004) dated February 7, 2000
- (b) General Manager, Community Planning and Development Division and Director, Economic Development Department re: Update on Brownfields Initiatives (PDC00037) dated February 7, 2000
- (c) General Manager, Community Planning and Development Division re: Development Permit System – Pilot Project for the City of Hamilton (PDC00025) dated February 11, 2000
- (d) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North – Implementation of the Wesley OMB Decision (seventh report) – (PDC99088(E)) dated February 11, 2000

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.







**CITY OF HAMILTON**  
**INFORMATION**

**DATE:** February 7, 2000

**REPORT TO:** Chairman and Committee Members  
Planning and Development Committee

**FROM:** Dr. Elizabeth Richardson  
Acting General Manager/MOH  
Social and Public Health Services Division

**SUBJECT:** Extra Funding for Federal Renovation Programs (HSB00004)



Dr. Elizabeth Richardson, Acting General Manager  
And Medical Officer of Health

**BACKGROUND:**

On December 17, 1999 the Honourable Alfonso Gagliano, Federal Minister responsible for Canada Mortgage and Housing Corporation announced that additional funding of \$268 million (nationally) would be provided over the next three years, for a range of housing renovation programs. This announcement was included in one by the Federal Minister of Labour and Homelessness, Claudette Bradshaw, announcing a total of \$753 million to address homelessness.

A copy of the News Release is attached, (Appendix A).

Allocation and Deadlines:

Staff responded to the January 21, 2000 deadline by requesting \$1.7 million. Based on a telephone call with CMHC on February 8, 2000, CMHC has set aside a \$1.7 million allocation for the City of Hamilton.

While the requirements are that renovation projects must be committed, designed, construction completed, and renovation money advanced before March 31, 2000 there appears to be flexibility with them if projects are proceeding along a definite timeline.

Furthermore, because the RRAP initiative will be undertaken over a three-year period, projects that don't meet the deadline may be able to be rolled over to a future fiscal year.



Focus and Nature of Extra Funding:

CMHC is focusing the additional money on renovations of properties that will help alleviate homelessness, primarily rooming houses, lodging homes and conversion of non-residential buildings.

Financial assistance is in the form of a non-repayable loan of a maximum of \$12,000 per rooming house unit and \$18,000 per self-contained rental unit.

Program Delivery:

The Corporation of the City of Hamilton is currently the delivery agent for Homeowner RRAP and has successfully delivered the program for the past 26 years. The City has provided rehabilitation assistance to over 4,200 homeowners. The City's commitment represents one of the most successful housing rehabilitation delivery programs in the country.

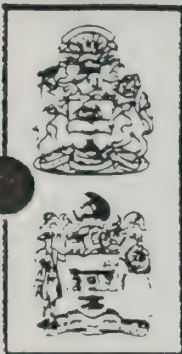
Staff sees a tremendous opportunity for building local and program partnerships to rehabilitate existing housing and increase the housing stock through new construction and conversion. For instance, locally there are opportunities to combine the HRDC funding with RRAP, Ontario Rent Supplement, Provincial Homelessness Initiative Fund (PHIF), and the City's programs for downtown revitalization.

However, a key determinant for success is delivery capacity and it will be necessary to allocate an additional temporary FTE to the task of RRAP delivery and administration. At time of writing this report, staff is in process of reviewing this issue of staff resources.

ER/MM/dk

Attach.





CITY OF HAMILTON AND  
REGION OF  
HAMILTON-WENTWORTH

Social and Public Health Services Division  
Housing and Shelter Branch  
Telephone (905) 546-4604  
Facsimile (905) 546-2762

January 21, 2000

Linda Gauthier  
Team Leader, Housing Renovation Programs  
Canada Mortgage and Housing Corporation  
Unit A-15, 2037 Long Lake Road  
Sudbury, Ontario  
P3E 6J9

Dear Ms. Gauthier:

I am writing further to your letter of January 14, 2000 and am attaching our request for RRAP allocations.

We are excited about the Federal RRAP Program and our role in it and its potential to materially improve the housing situation in our community. As you know, Hamilton together with Toronto and Ottawa are the three cities in Ontario identified as requiring major funding for housing.

We have been very active as part of the FCM Quality of Life Infrastructure Program Proposal to the Federal Government. A special meeting of Council has been called with area Members of Parliament for February 1, 2000 to discuss the Infrastructure Proposal of which RRAP is a part.

We see a tremendous opportunity for building local and program partnerships to rehabilitate existing housing and increase the housing stock through new construction and conversion. For instance, locally there are opportunities to combine the HRDC funding with RRAP, Ontario Rent Supplement, Provincial Homelessness Initiative Fund (PHIF), and the City's programs for downtown revitalization.

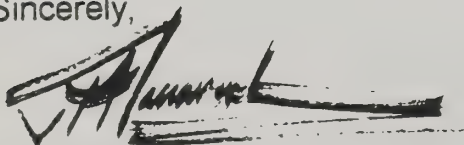
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One of our difficulties is resourcing. We need from CMHC some indication of how much RRAP funding you can allocate for the period up to March 31, 2000, and then for the Federal fiscal year April 1, 2000 – March 31, 2001 so that we can allocate appropriate staff resources to deliver. I will be bringing this resourcing matter up with the appropriate Committee of Council shortly.

Linda, thanks for your support and if you have any questions please do not hesitate to call. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Mascarenhas', written over a horizontal line.

Mark Mascarenhas  
Director of Housing and Shelter

MM/dk





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# news release

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December 17, 1999  
FOR IMMEDIATE RELEASE  
99-88

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## Building partnerships to help Canada's homeless persons

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**TORONTO, ONTARIO** – The Government of Canada announced today that it will invest \$753 million in an approach to help alleviate and prevent homelessness across Canada.

The Honourable Claudette Bradshaw, Minister of Labour and Federal Co-ordinator on Homelessness, and the Honourable Alfonso Gagliano, Minister of Public Works and Government Services Canada and Minister responsible for the Canada Mortgage and Housing Corporation, unveiled the initiative that focuses on building on what works and fostering the partnerships with provinces, territories and other levels of government and the private and voluntary sectors that are needed to effectively reduce and prevent homelessness.

This response recognizes that no one level of government can solve homelessness, but working together we can better respond to the needs of those who are homeless and make the changes necessary to prevent homelessness in the future. "Our community-based approach to address homelessness is based on the hard work and success I saw in communities across Canada," said Minister Bradshaw. "But they need assistance. That's what this approach is all about."

The cornerstone of the Government of Canada's strategy is the new *Supporting Communities Partnership Initiative*. The Government of Canada is launching this initiative with an investment of \$305 million over the next three years. The Government of Canada will work with provinces and territories on the development and implementation of this initiative. The initiative will provide flexible funding for local strategies that other partners would be encouraged to join in supporting through their own investments and contributions.

"Community groups want the Government of Canada to be a partner in a national effort to eliminate homelessness," said Minister Bradshaw. "This effort, in order to be successful, must be a partnership between all orders of government and the private and voluntary sectors."

.../2



The *Supporting Communities Partnership Initiative* will help engage all levels of government and partners to develop the tools needed to tackle the problem of homelessness and to put in place the seamless web of services and supports that people need to make a successful transition from the street to a more stable and secure life. It will also help in the development of long-term plans to address the underlying causes of homelessness and to develop a prevention agenda. This approach is rooted in the notion that a continuum of supports at the local level works best.

To support this approach, the Government of Canada is also investing \$170 million over the next three years to expand a number of existing federal programs that are working in the fight against homelessness. This funding will help to take care of the immediate and short-term needs for this winter. These programs include the youth-at-risk component of the Youth Employment Strategy, the Government's Urban Aboriginal Strategy and the Shelter Enhancement Initiative, which is an initiative that provides funding for emergency shelters for victims of family violence.

As part of this comprehensive strategy, Minister Gagliano announced a \$268 million increase in funding for the Residential Rehabilitation Assistance Program (RRAP). This new funding will support the renovation and repair of housing occupied by low-income people to bring it up to basic health and safety standards. This includes rental and rooming house accommodation for people at risk of homelessness. New program flexibility will also allow for the conversion of non-residential buildings into accommodation for low-income people.

This additional funding more than doubles the current budget for renovation programs. "RRAP is only one element of our Government's comprehensive approach. But the additional RRAP funds, coupled with the initiatives we're announcing today will help a greater number of Canadians in need," said Minister Gagliano.

The Government of Canada will also set aside \$10 million to make surplus federal property available.

Following this announcement, discussions will be initiated with each of the provinces and territories regarding the implementation of the *Supporting Communities Partnership Initiative*. Forging strong partnerships with the provinces, territories, municipalities, community organizations and a wide range of other interested parties will be essential to the effectiveness and success of this strategy to help homeless people.

For information or copies of this news release and backgrounders, please call:

1 800 O-CANADA

(1 800 622-6232)

TTY/TDD 1 800 465-7735

Information is also available at:

<http://www.hrdc-drhc.gc.ca>

<http://cmhc-schl.gc.ca>



## **Backgrounder**

### **Canada Mortgage and Housing Corporation (CMHC) Initiatives**

#### **Residential Rehabilitation Assistance Program (RRAP) and Related Programs - \$268 million**

Current funding for RRAP is \$50 million a year. This additional funding more than doubles the current budget for renovation programs.

**Homeowner RRAP** provides assistance to low-income homeowners to bring their properties up to minimum health and safety levels.

**RRAP for Reserves** provides assistance to low-income homeowners on Indian Reserves to bring their properties up to minimum health and safety levels.

**RRAP for Persons with Disabilities** provides assistance to households occupied by low-income persons with disabilities who require special modifications to their residence to improve access.

**Rental RRAP** provides assistance to landlords of affordable housing to pay for mandatory repairs to self-contained rental units to be occupied by tenants with low incomes.

**Rooming House RRAP** provides assistance to owners of rooming houses to pay for mandatory repairs to housing intended for permanent accommodation at rents which are affordable to low-income individuals.

**RRAP for Non-Residential Conversion** provides assistance to owners of non-residential buildings to convert their structures for use as permanent rental accommodation at rents that will be affordable to low-income people.

The **Emergency Repair Program (ERP)** provides assistance to low-income homeowners in rural and remote areas to undertake emergency repairs required for the continued safe occupancy of their houses.

**Home Adaptations for Seniors Independence (HASI)** assists low-income elderly Canadians, whose difficulties in daily living can be addressed by certain adaptations to their homes.

#### **Properties for Housing - \$10 million**

Public Works and Government Services Canada will coordinate a new initiative to make certain surplus federal properties available on an exceptional basis. Federal ministers will consider requests from provinces, territories and municipalities on a case by case basis. A total of \$10 million over four years will compensate federal departments and agencies for their property.





2037 Long Lake Road  
Unit A-15, Four Corners Square  
Sudbury, Ontario  
P3E 6J8

2037 rue Long Lake  
Unité A-15, Four Corners Square  
Sudbury, Ontario  
P3E 6J8

Telephone #: (705) 523-2912

Facsimile #: (705) 522-5700

## RRAP Advisory

**To: All RRAP Delivery Agents**

**Re: Homelessness Announcement**

**Date: January 14, 2000**

Earlier I sent you an Advisory regarding the Government of Canada's announcement on Friday, December 17, 1999 to expand CMHC's housing renovation programs, as part of the overall strategy to invest \$753 million to address Canada's homelessness issue.

As a portion of the announcement included additional funding for the 1999/2000 fiscal year, we are now seeking your assistance to identify potential RRAP applications/projects and estimated forgivable loans required in your delivery area(s) keeping in mind that funding must be advanced prior to March 31, 2000. To facilitate the collection of information we have provided the attached form that identifies the various RRAP program components. Please note that we will provide more information as soon as possible about the new RRAP for Non-Residential Conversion.

Please complete the attached and return via fax to the number provided **as soon as possible** and no later than end of day on **Thursday, January 21, 2000**. **Note: If I do not receive a request from you by the deadline date, no funding will be set aside for your area.**

Should you have any immediate questions, please call your local CMHC contact or myself at (705)523-2919.

Sincerely,

Linda M. Gauthier  
Team Leader, Housing  
Renovation Programs

Attachment











CAY ON HBL AOS  
C51P4  
2000

Urban Municipal Collection  
2nd Floor  
Hamilton Public Library

URBAN  
MUNICIPAL



# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday March 8, 2000  
9:30 a.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

Tina Agnello  
Legislative Assistant

### CALL TO ORDER

URBAN MUNICIPAL

MAR 06 2000

GOVERNMENT DOCUMENTS

### 1. DECLARATIONS OF INTEREST

### 2. PUBLIC MEETINGS:

- 2.1 ZAC-99-25, Lands located west of Hawkswood Trail, south of Falconridge Drive and east of Hamilton City (PDC00050)
- 2.2 ZAC-99-28, Lands located East of Glancaster Rd., West of Hawkswood Trail at the westerly limits of Falconridge Dr. and south of Rymal Rd. W. (PDC00051)

### 3. ADOPTION OF MINUTES

Minutes of the Meeting Held February 23, 2000

### 4. CONSENT ITEMS

- 4.1 Demolition of 238 Belmont Avenue (PDC000045)
- 4.2 Demolition of 21 St. Olga Street (PDC00046)
- 4.3 Demolition of 23 St. Olga Street. (PDC00047)
- 4.4 Demolition of 100 Quigley Road, Unit 54, Section H-7 (PDC00048)







- 4.5** Request for a Validation Certificate for Lots 58-60, Registered Plan 62M-872 (PDC00030)
- 4.6** Hamilton Emergency Loan Program, 25 Chatham Street (HSB00005)
- 4.7** Core Heritage 2000 Program Grant Increase, 34-36 Hess Street South (HSB00006)
- 4.8** International Village BIA- Revised Board of Management (PWT00049)
- 4.9** Barton Village BIA- Proposed Budget and Schedule of Payment for 2000 (PWT00054)
- 4.10** Information Items

**5. PREVIOUSLY TABLED**

Demolition of 244 King Street East – Implementation of the Ferguson Avenue Master Plan (PW00037A) (Information)

Demolition of 244 King St. E., Implementation of the Ferguson Avenue Master Plan (PWT00037)(Recommendation)

**6. FOR BUSINESS**

**7. ADJOURNMENT**







**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 2000 February 22  
ZAC-99-25  
Carpenter Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** LeeAnn Coveyduck  
General Manager, Community Planning and Development Division

**SUBJECT:** Request for a change in zoning for lands located west of Hawkswood Trail and south of Falconridge Drive and east of the Hamilton City limits (PDC00050)

**RECOMMENDATION:**

That approval be given to Zoning Application ZAC-99-25 Rehoboth United Reformed Church, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified (Block "1") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "2") for lands located west of Hawkswood Trail, south of Falconridge Drive and east of the Hamilton City limits as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9. of Zoning By-law No. 6593, applicable to Block "1" be modified to include the following variances as special requirements:
  - (i) That notwithstanding Section 9.(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
    - 1. a Church, Sunday School, or other place of worship, with or without a parish hall; and,
    - 2. a single detached dwelling accessory to a Church or other place or worship.
  - (ii) Except for the accessory single detached dwelling permitted under Section (b)(i)2., no vehicular access shall be permitted from Falconridge Drive or Hawkswood Trail;



- (iii) A visual barrier not less than 1.8 metres and not more than 2.0 metres in height shall be provided and maintained, except for points of access, along any lot line abutting a "C" District.
- (c) That the Corporate Counsel be directed and authorized to prepare separate By-laws for Blocks "1" and "2" to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council;
- (d) That the amending By-law for Block "1" be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps E-38C and E-38D be notated as S - ;
- (e) That the implementing By-law for Block "1" not be presented to City Council for adoption until such time as:
  - (i) the applicant and/or land owner has submitted, to the satisfaction of the Director, Land Development Department and Corporate Counsel, all of the required documentation to provide for permanent vehicular access, in perpetuity, from the subject lands to Glancaster Road through the Ontario Hydro corridor to the west of the subject lands from the following agencies: Ontario Hydro; Bell Canada; TransCanada PipeLines; the Township of Glanbrook; and, the Hamilton Region Conservation Authority;
  - (ii) the applicant/owner applying for and receiving approval for an access agreement to Glancaster Road to the satisfaction of the General Manager, Transportation, Operations and Environment Division; and
  - (iii) the applicant/owner has demonstrated to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, the General Manager, Transportation, Operations and Environment Division, and the Supervisor of Traffic Studies/Traffic Technologists, Traffic Division, Transportation, Operations and Environment Division, that the proposed extension of Falconridge Drive westerly to connect to Glancaster Road is no longer required;
- (f) That upon finalization of the implementing zoning by-law for Block "2", the approved Carpenter Neighbourhood Plan be amended to redesignate Block "2" from "Civic & Institutional" to "Single & Double" Residential;
- (g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

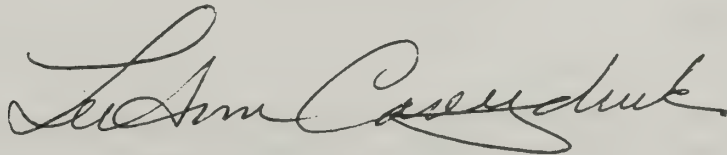


**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located west of Hawkswood Trail and south of Falconridge Drive and east of the Hamilton City limits, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of Block "1" for a church and single-family residence for the church minister, and Block "2" for 13 single family dwellings in accordance with Severance Applications B-99:51 to B-99:57. In addition, the By-law provides for the following variances applicable to Block "1":

- (i) Restricts the use of the subject lands to a Church, Sunday School, or other place of worship, with or without a parish hall and a single detached dwelling accessory to a Church or other place or worship;
- (ii) Prohibits vehicular access to the Church from Falconridge Drive and Hawkswood Trail. Access to the proposed church will be from Glancaster Road on a right-of-way across the lands owned by Ontario Hydro; and,
- (iii) Requires that a visual barrier of not less than 1.8 m and not more than 2.0 m in height be provided and maintained where the subject lands abut lands zoned "C" District.


**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

**BACKGROUND:**Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Blocks "1" and "2") for lands located west of Hawkswood Trail and south of Falconridge Drive and east of the Hamilton City limits as shown on the attached map marked as APPENDIX "A".

Block "1" is to be developed for a church and a single family dwelling to be used as the



residence for the church minister. Block "2" will be developed for 13 single family dwellings in accordance with Severance Applications B-99:51 to B-99:57. Access to Block "1" is proposed via a right-of-way from the subject lands across the Ontario Hydro Corridor to Glancaster Road (see APPENDICIES "B1" and "B2").

#### Severance Applications B-99:51 to B-99:57

Severance Applications B-99:51 to B-99:57 were tabled by the Committee of Adjustment on August 11, 1999, at the request of the applicant until such time as the rezoning application had been dealt with by Council.

The applicant is proposing to create 13 lots – 11 fronting onto Hawkswood Trail and 2 lots fronting onto Falconridge Drive. The proposed lots comply with the lot width and lot area requirements of the "C" District (i.e. a minimum lot width of 12.0 m and a minimum lot area of 360 m<sup>2</sup>) (see APPENDIX "C").

It is noted that as a condition of approval, the applicant will be required to enter into a Modified Subdivision Agreement with the City of Hamilton and the Region of Hamilton-Wentworth. As part of these agreements, the applicant/owner will be required to dedicate sufficient lands for the termination of Falconridge Drive as a cul-de-sac and paying for their share of the costs of road construction. (In addition, Development Planning staff have negotiated with the applicant to remove the proposed 6.0 m wide access from Hawkswood Trail to the proposed church due to concerns with the long term maintenance of the pedestrian access point/servicing easement).

#### Zoning Application 99-28

An application for a change in zoning for the abutting lands to the north has been submitted to the City (ZA-99-28). The application by Jomar Development Corp. Inc. (c/o Joe Kutlesa), owner, is for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse – Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse – Maisonette) District (Block "2") for lands located south of Rymal Road West, east of the City of Hamilton limits, at the westerly limits of Falconridge Drive (see APPENDIX "D"). The applicant is proposing to develop the subject lands for 25 condominium townhouse units with vehicular access from Rymal Road West.

#### **APPLICANT:**

Rehoboth United Reformed Church, owner.

#### **AGENT:**

Planning and Engineering Initiatives Ltd.



**LOT SIZE AND AREA:**

The subject lands are irregular in shape and have:

- 53 m of lot frontage along Falconridge Drive;
- 182 m of lot frontage along Hawkswood Trail; and
- a lot area of 1.9 ha.

**LAND USE AND ZONING:**

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Land Use</u>		
To the north	Vacant and Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District*
To the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Utility Uses (Ontario Hydro Corridor and TransCanada PipeLine)	N/A (lands are located in the Township of Glanbrook)
To the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

\* NOTE: An application for changes in zoning from "AA" District and "C" District to "RT-20" has been submitted for the abutting lands to the north (File No. ZA-99-28)

**OFFICIAL PLAN:**

The subject lands are designated "Major Institutional" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "Civic & Institutional" in the approved Carpenter



Neighbourhood Plan. The proposed change in zoning for Block "1" complies with the approved neighbourhood plan.

A neighbourhood plan amendment is required to redesignate Block "2" from "Civic & Institutional" to "Single & Double" Residential to recognize the proposed single detached dwellings.

It is noted that if the zoning application for the abutting lands to the north (ZA-99-28) is approved, then a neighbourhood amendment will be required for these lands to delete the extension of Falconridge Drive westerly to connect to Glancaster Road and establish a cul-de-sac.

#### **COMMENTS RECEIVED:**

- The Traffic Division, Department of Public Works and Traffic has advised of the following:  
  
"We have no concerns over the change in zoning for Block "2". It is our understanding that the applicant is pursuing the access to Block "1" through the Ontario Hydro lands to Glancaster Road. If this access is approved, we have no concerns over this zoning change. If this access is not granted, we respectfully request that the zoning for Block "1" be held in abeyance, subject to an approved site plan."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department have advised of the following:  
  
"A church is designated as a "Public Use" under the zoning provisions, not an institutional use."
- The Development Planning Section, Land Development Department have advised of the following:  
  
"Comments should be obtained from Ontario Hydro with respect to potential negative impacts on this proposed development, due to the proximity of the existing hydro transmission corridor abutting the subject lands."
- The Development Engineering Section, Land Development Department have advised of the following:  
  
"With respect to your letter dated July 5, 1999, we have the following comments and recommendations.



There are public watermains and separate storm and sanitary sewers available to service the subject lands.

However, the storm and sanitary sewers do not front the two proposed lots shaded in yellow on the attached plan. It is our understanding that severance applications for these lands, being B-99:51 to 57 inclusive, were tabled by the Committee of Adjustment. At such time that the severance applications are resubmitted to our department for comments, we will require as a condition of approval, that the owner enter into a Service Agreement with the Region to extend the storm and sanitary sewers, at their expense, so that the sewers front the two lots noted above.

The Carpenter Neighbourhood Plan indicates that Falconridge Drive is to be extended westerly to Glancaster Road. Should access to the proposed Church under this application and the proposed Townhouse development under file ZA 99-28 be provided across lands of Ontario Hydro on either a sale or Long Term right-of-way agreement registered on title in favour of the Church and Townhouse Block respectively, the requirement of the neighbourhood street extension to Glancaster Road could be deleted.

As a condition of development approval the applicant/owner would then be required to enter into appropriate agreements with the City and the Region to establish and construct a cul-de-sac at the westerly end of Falconridge Drive.

As a condition of development approval the applicant be required to pay all outstanding servicing and land costs to the City and Region respectively prior to the City of Hamilton lifting the 0.30 m reserve on the south side of Falconridge Drive and on the west side of Hawkswood Trail.

As a condition of development approval the applicant/owner must apply for and receive an Access Permit to the Regional portion of Glancaster Road to the satisfaction of the General Manager, Transportation, Operations and Environment Division.

The following items are included but not necessarily limited to the conditions of Access Approval on Glancaster Road:

- a) That the applicant/owner receives the appropriate municipal approvals from the Township of Glanbrook, the respective Conservation Authorities, etc. with respect to constructing this driveway access from the proposed church development in the City of Hamilton across lands of Ontario Hydro which are located within the City of Hamilton and the Township of Glanbrook. It would appear from our field investigations that the proposed



driveway will be located within a low and marshy area.

- b) That the applicant/owner receives the appropriate municipal approvals from the City of Hamilton to construct the proposed church. This includes having the access at the location shown on draft reference plan No. 28876 prepared by A. T. McLaren Limited and the entrance plan for the proposed Rehoboth Church to Glancaster Road, Drawing No. 604-Entrance for Project No. HE-604. This also includes provisions for emergency access to this development should the respective agencies require this.
- c) That the applicant/owner receives the appropriate approvals from the Township of Glanbrook to use the portion of the original road allowance between the Geographic Townships of Glanbrook and Ancaster for access purposes to Glancaster Road under Regional jurisdiction.
- d) That the applicant/owner satisfy the conditions of all the respective Utilities within the original road allowances and the section of Glancaster Road under Regional jurisdiction. It was noted in our site visit that the relocation of aerial Bell cable, etc. will probably be required. All costs for this relocation would be at the sole expense of the applicant/owner.
- e) That Ontario Hydro provide written confirmation to the Region that all their requirements and the requirements of the tenants of their property for this access construction have been satisfied.
- f) That the applicant/owner either acquire lands from Ontario Hydro to construct an access driveway for access to the Regional section of Glancaster Road or that the applicant/owner enter into a Long Term lease/right-of-way arrangement registered on title to construct an access driveway over Ontario Hydro Lands for access to the Regional section of Glancaster Road.

It is the applicants responsibility to secure all the necessary approvals noted above prior to receiving an Access Permit to Glancaster Road from this Office. The final geometric design components of the access to Glancaster Road will be reviewed at such time as the application is made for the Access Permit. All costs to construct this access, modify the gravel access to the original road allowance, utility and sign relocation, etc. are the sole responsibility of the applicant/owner.

The applicant/owner must enter into a satisfactory site plan agreement with the City of Hamilton for the proposed Church development.

It is our recommendation that should this application be approved that these



lands be placed in a '**Holding Zone**' until such time as all the conditions noted in Items a) to d) have been completed."

- The Ontario Hydro Services Company have advised of the following:

Further to our recent meeting and after a review of the plans that were provided, it would appear the Ontario Hydro Networks Co. has no objection to the proposal (for a right-of-way across the corridor). Prior to final approval, the writer requires the abutting owners written acceptance to the following terms and conditions;

1. The proponent is to be aware and make aware to all its contractors and others on site that a distance of 15 feet must be maintained from the live 230,000 volt overhead conductors, as per OHS section 186 proximity. **NOTE:** these lines can raise and lower a significant amount without notice depending on electricity demand and supply.
2. Ontario Hydro will require curb cuts on both sides of the proposed driveway to allow maintenance vehicles to access from the driveway as required. Slopes at this access point are to be no greater than 4:1 east to west. The required access points can be arranged by an on-site meeting with our Land Use Technician, Mr. Tracy Bellamy. This meeting should be arranged prior to a new plan being provided. Mr. Bellamy can be contacted at 1-905-548-8666.
3. The proponent must agree to maintain the lands north to the proposed access required by JoMar Townhouse Development. There is to be no facilities added to this maintenance area, temporary or permanent without the written permission of Ontario Hydro Services Co.
4. The proposed access is to be fenced with gates at the required access points for Ontario Hydro Services Co. use. These gates are to be installed at no cost to Ontario Hydro Services Co. minimum fencing will consist of post and cable specification attached.
5. The proponent must obtain all necessary permits to access under the existing wood pole line located on the former road allowance. Any cost related to the possible relocation of this line will be the responsibility of the applicant and will be at no cost to Ontario Hydro.
6. The proponent must obtain all underground permits and locates prior to construction. Ontario Hydro Services Co. must be provided with the permit copies for its records, prior to construction. Trans Canada Pipeline has an easement on Ontario Hydro Networks Co. lands; the proponent must provide written permission from the Pipeline Company to cross its



pipe.

7. This proposal is being evaluated on the basis of a roadway. The sanitary sewer noted on the plan is not permitted within the access road at this time. A separate proposal and plan is required prior to any permission being given. Should permission be given at a later date it will be with the understanding that the easement will be with the Municipality only.
8. There is to be no storage of soil, construction equipment, materials used for construction, flammable or other construction related equipment on Ontario Hydro Services Co. lands.
9. A temporary fence is to be placed and maintained along the construction area. This also includes the area around any proposed swales, during the construction period.
10. The proponent will be responsible for any crop damages as a result of this installation. This will include any required construction area needed during construction.
11. Ontario Hydro Services Co. access is not to be impeded at anytime during and after construction.
12. Any future installations planned for the access including grass maintenance are to be approved, in writing by Ontario Hydro prior to installation. This would include lighting, gates, or footpaths.
13. Ontario Hydro is to be indemnified for any damages to persons or equipment/vehicles occupying any of the above area.
14. A pre-construction meeting must take place prior to any entry onto the lands. A 72 working hour notice must be given to our Land Use Technician, Mr. Tracy Bellamy, who must be in attendance. Mr. Bellamy can be reached at 1-800-387-9363. Please be advised that the applicant may enter our lands for the placement of all temporary fencing. The meeting will not take place unless the following has been completed by the applicant:
  - (a) all temporary fencing installed;
  - (b) all locates completed;
  - (c) all permits obtained;
  - (d) all necessary clearances obtained; and,
  - (e) the applicant and its contractors must be present."



- TransCanada PipeLines have advised of the following:

"In response to your request, TransCanada has no objections for the proposed driveway crossing our pipeline. However, approval from our company is required prior to construction of the driveway. Requirements for approval would be:

1. submission of 8 copies of detailed drawing showing cross section at the crossing of our pipe (call 1-800-827-5094 to determine the exact location of our pipelines); and,
2. Crossing agreement to be executed by both TCPL and the applicant/owner.

If you require more information, please call Elio Ramos at (403) 261-8256."

- The Town of Ancaster has advised of the following:

"From a planning policy stand point, the Town has no concerns with the proposal."

#### **COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and approved Carpenter Neighbourhood Plan. However, approval of the application will necessitate a neighbourhood plan amendment to redesignate Block "2" from "Civic & Institutional" to "Single & Double" Residential to recognize the proposed single detached dwellings.

It is noted that if the zoning application for the abutting lands to the north (ZA-99-28) is approved, then a neighbourhood plan amendment will be required for these lands to delete the planned extension of Falconridge Drive westerly to Glanaster Road and to establish a cul-de-sac.

2. The proposal has merit and can be supported for the following reasons:
  - i) it implements the intent of the Official Plan and the Carpenter Neighbourhood Plan; and,
  - ii) it would be compatible with the abutting and planned residential uses.

It should be noted that in accordance with Section 3.(3)(v) of Zoning By-law No. 6593, "A Church, Sunday School or other place of worship, with or without a parish hall" is permitted as-of-right, subject to compliance with requirements for yards and parking.



3. The applicant is proposing to create 13 lots for single detached dwellings (2 fronting onto Falconridge Drive and 11 fronting onto Hawkswood Trail) under Severance Applications B-99:51 to B-99:57 (See Appendix "C"). The size of the lots will range from 12.2 metres to 17.5 metres in width. The existing lots fronting onto Hawkswood Trail and Falconridge Drive are 12.19 metres to 16.587 metres in width. As such, the proposed lots will be equal to or greater in size than the existing lotting fabric in the immediate vicinity of the subject lands.
4. As part of the proposed townhouse development on the abutting lands to the north, Falconridge Drive is to be terminated as a cul-de-sac approximately 50 m west of Hawkswood Trail.

The termination of Falconridge Drive, as proposed, would eliminate the planned connection to Glancaster Road and neighbourhood traffic would be required to use Upper Paradise Road to access Rymal Road West. As such, all of the traffic associated with the lands designated for institutional uses would be directed to the local streets (i.e. Hawkswood Trail and Falconridge Drive) to access Rymal Road via Upper Paradise Road.

In response to the above concerns, staff have met with the applicant and Ontario Hydro to provide for an alternative permanent access (i.e. right-of-way) from Block "1" (proposed church) to Glancaster Road (See Appendix "B-1"). This alternative access is to be designed and constructed to acceptable municipal engineering standards.

In this regard, it is proposed that the implementing By-law for Block "1" be held in abeyance until such time as the applicant and/or land owner has submitted, to the satisfaction of the Director, Land Development Department and Corporate Counsel, all of the required documentation to provide for vehicular access from the subject lands to Glancaster Road through the Ontario Hydro corridor to the west of the subject lands. Specifically, written approval from the following agencies is required:

- i) Ontario Hydro;
- ii) Bell Canada;
- iii) TransCanada PipeLines;
- iv) the Township of Glanbrook; and,
- v) the Hamilton Region Conservation Authority.

Approval from the above agencies for the proposed vehicular connection will be required prior to the applicant entering into an Access Agreement with the Region of Hamilton-Wentworth for access to Glancaster Road. As part of the conditions of approval, the by-law will be held in abeyance until the applicant enters into the aforementioned Access Agreement.



Should the applicant not be able to secure the necessary approvals to provide for the access to Glancaster Road, then the proposed neighbourhood plan amendment to terminate Falconridge Drive in a cul-de-sac will have to be revisited and the approvals for this application (ZA-99-25) and for the abutting lands to the north (ZA-99-28) will have to be reconsidered.

5. Development of Block "1" for the proposed church will be subject to Site Plan Control. In this regard, matters such as access, grading, parking, landscaping, etc. can be reviewed.

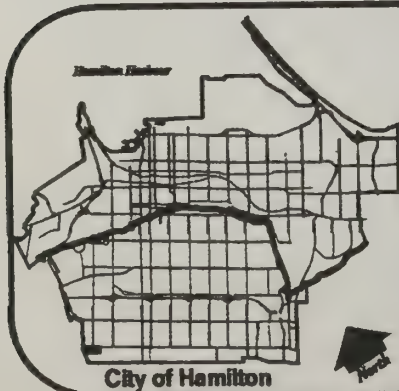
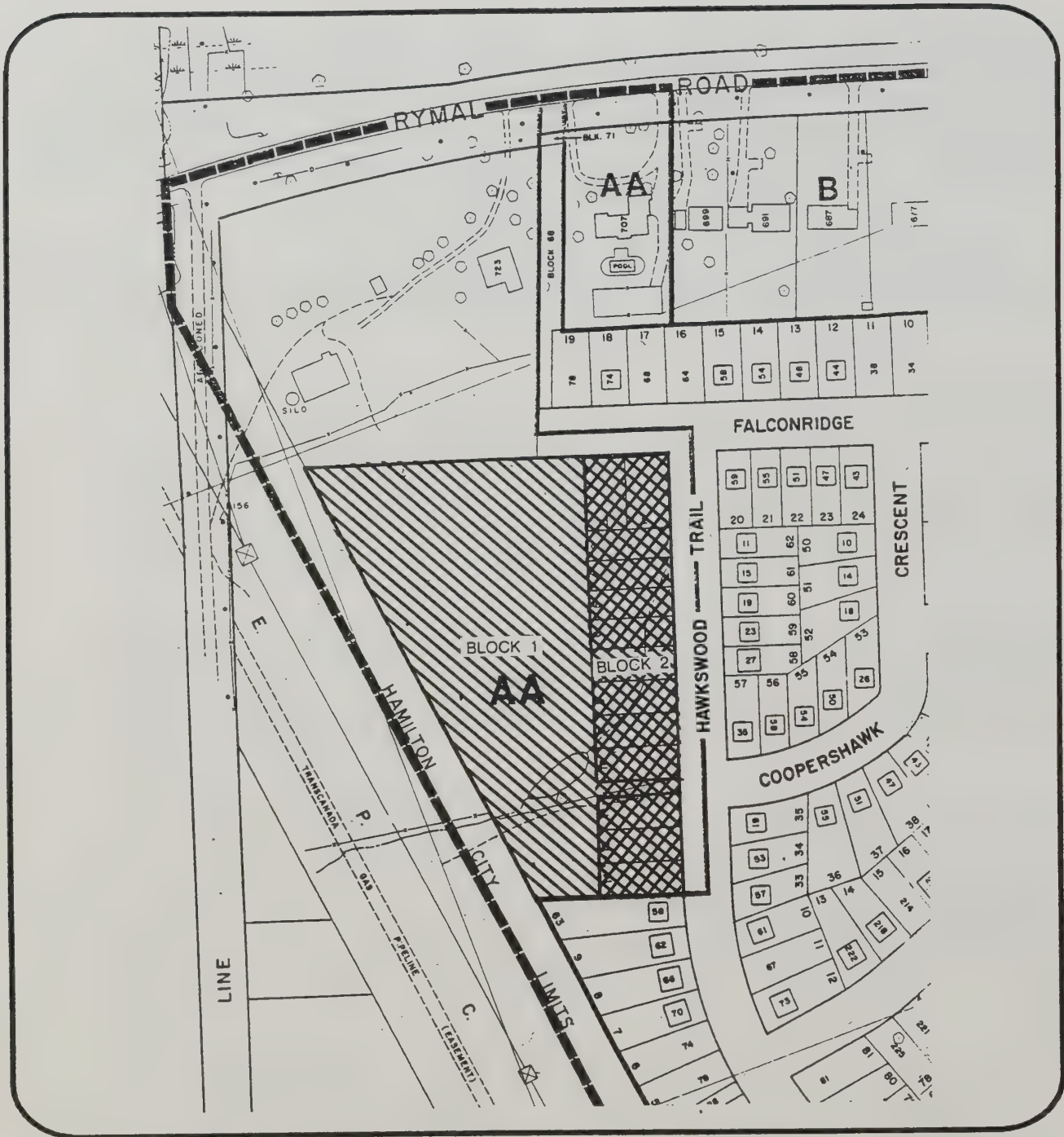
**CONCLUSION:**

Based on the foregoing, the application can be supported.

ZA-99-25.doc

SR/sr





# PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

### Legend

#### Change in zoning

Block "1"



From "AA" (Agricultural) District to  
"C" (Urban Protected Residential, etc.)  
District, modified; and,

Block "2"



From "AA" (Agricultural) District  
to "C" (Urban Protected Residential, etc.)  
District.

Reference file:

**ZAC-99-25**

Scale

**Not to Scale**

Date

**JUNE, 1999**

Technician:

**FAB**

**APPENDIX A**



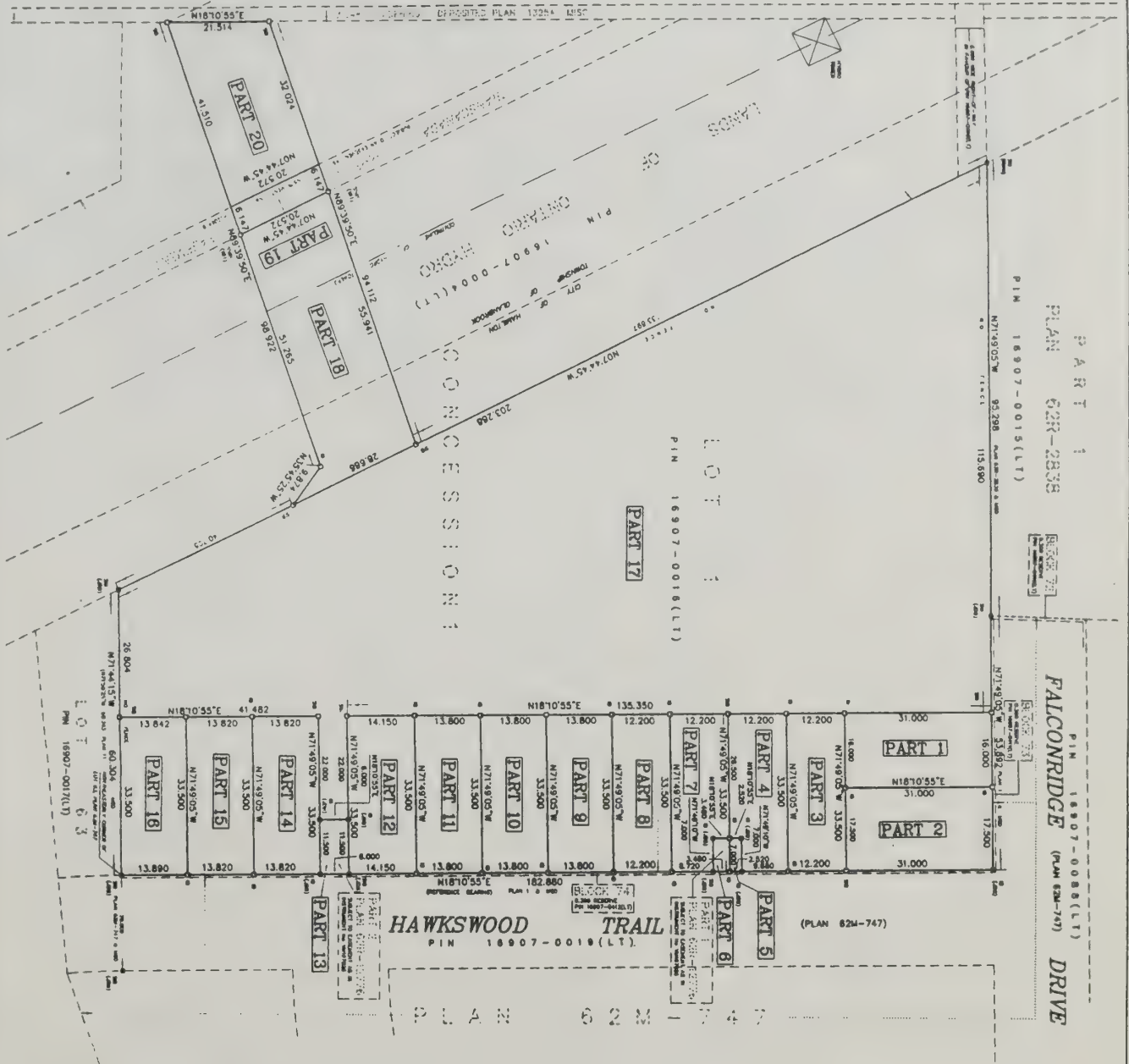
GLANCASTER ROAD

REGIONAL ROAD No 523

PIN 16907-0001

PIN 16907-0003(LT)

OLD GLANCASTER ROAD



PART 1  
PLAN 62R-2838  
PIN 16907-0015(LT)

PART 2  
PLAN 62M-747  
PIN 16907-0016(LT)  
FALCONBRIDGE DRIVE

HAWKSWOOD TRAIL  
PIN 16907-0018(LT)

**DRAFT**

SURVEYOR'S CERTIFICATE

A.T. McLaren Limited  
1000 SHEPPARD AVE. E. SUITE 230  
SCARBOROUGH, ONTARIO M1S 1T5  
PHONE (905) 277-8888 FAX (905) 277-0032

**LEGEND:**

1. BOUNDARY LINE  
2. EASEMENT  
3. EASEMENT  
4. EASEMENT  
5. EASEMENT  
6. EASEMENT  
7. EASEMENT  
8. EASEMENT  
9. EASEMENT  
10. EASEMENT  
11. EASEMENT  
12. EASEMENT  
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15. EASEMENT  
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17. EASEMENT  
18. EASEMENT  
19. EASEMENT  
20. EASEMENT

**BEARING NOTE:**

ALL BEARINGS ARE TO BE INTERPRETED AS TRUE BEARINGS UNLESS OTHERWISE SPECIFIED.

**METRIC NOTE:**

ALL DISTANCES ARE TO BE INTERPRETED AS METRIC UNLESS OTHERWISE SPECIFIED.

S.D. McLaren O.L.S. - 2000

PLAN OF SURVEY  
LOT 1  
CONCESSION 1  
TOWNSHIP OF GLANCASTER  
CITY OF HAMILTON  
AND PART OF  
LOT 1  
CONCESSION 1  
TOWNSHIP OF GLANCASTER  
AT THE  
TOWNSHIP OF GLANCASTER  
REGIONAL MUNICIPALITY OF  
HAMILTON - NORTHWEST  
SCALE 1:500 METRIC

**SCHEDULE**

PART	LOT	CON.	PLAN
1	1		
2	2		
3	3		
4	4		
5	5		
6	6		
7	7		
8	8		
9	9		
10	10		
11	11		
12	12		
13	13		
14	14		
15	15		
16	16		
17	17		
18	18		
19	19		
20	20		

**PLAN 62 R -**  
RECORDED AND APPROVED  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
TWO COPIES OF THIS PLAN TO BE  
DEPOSITED WITH THE LAND  
TAXES ACT.

**PLAN 62 M -**  
RECORDED AND APPROVED  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
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DEPOSITED WITH THE LAND  
TAXES ACT.

**PLAN 62 L -**  
RECORDED AND APPROVED  
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TAXES ACT.

**PLAN 62 K -**  
RECORDED AND APPROVED  
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BY: \_\_\_\_\_  
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TAXES ACT.

**PLAN 62 J -**  
RECORDED AND APPROVED  
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BY: \_\_\_\_\_  
TWO COPIES OF THIS PLAN TO BE  
DEPOSITED WITH THE LAND  
TAXES ACT.

**PLAN 62 I -**  
RECORDED AND APPROVED  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
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**PLAN 62 H -**  
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**PLAN 62 G -**  
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**PLAN 62 F -**  
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TAXES ACT.

**PLAN 62 E -**  
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BY: \_\_\_\_\_  
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**PLAN 62 D -**  
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BY: \_\_\_\_\_  
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TAXES ACT.

**PLAN 62 C -**  
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DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
TWO COPIES OF THIS PLAN TO BE  
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TAXES ACT.

**PLAN 62 B -**  
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DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
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TAXES ACT.

**PLAN 62 A -**  
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DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
TWO COPIES OF THIS PLAN TO BE  
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TAXES ACT.

**PLAN 62 Z -**  
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DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
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TAXES ACT.

**PLAN 62 Y -**  
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DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
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TAXES ACT.

**PLAN 62 X -**  
RECORDED AND APPROVED  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
TWO COPIES OF THIS PLAN TO BE  
DEPOSITED WITH THE LAND  
TAXES ACT.



# PROPOSED REHOBOTH CHURCH



## PLANNING & ENGINEERING INITIATIVES LTD.



88 John Street South, Suite 200  
Hamilton, Ontario L8N 2B9  
Tel. (905) 546-1010 Fax (905) 546-1011  
e-mail: hamilton@peinitives.on.ca  
HAMILTON • KITCHENER-WATERLOO

PLANNERS  
CONSULTING  
ENGINEERS &  
LANDSCAPE  
ARCHITECTS

SCALE: 1:500 DATE: FEB. 8, 2000

PROJECT No. HE-604 DRAWING No. 604-ENTRANCE

CITY OF HAMILTON  
TOWNSHIP OF GLANBROOK

CENTRELINE OF HYDRO TOWNSHIP

EASEMENT

TRANSCANADA PIPELINE

INSTRUMENT HL208418

GAUGE

BUILDING  
THIRD FLOOR  
23.412

GRAVEL

40.160

ROAD

CENTRELINE OF DRIVE

39.416

51.241

15.825

CENTRELINE OF DRIVE

GLANCASTER

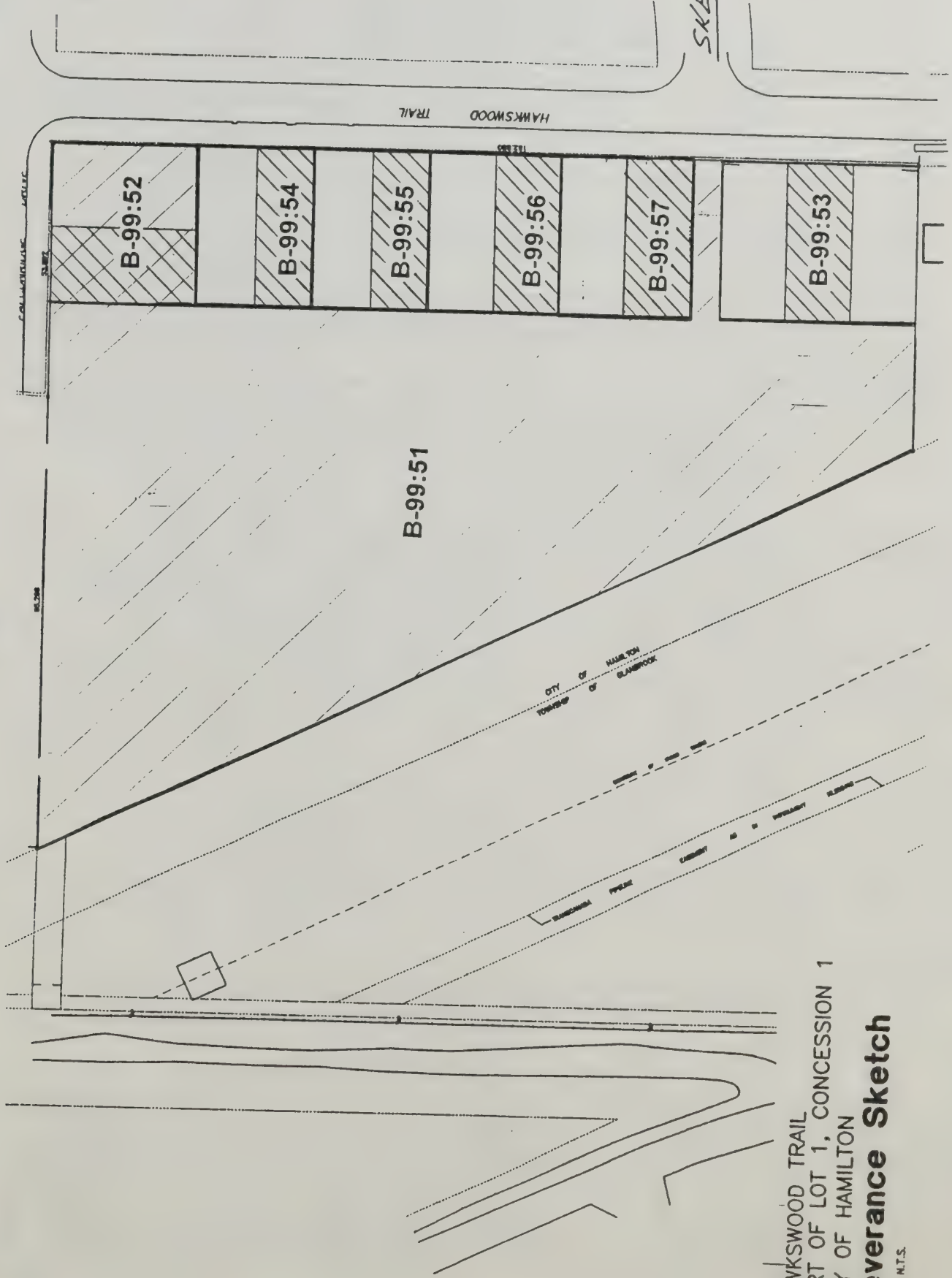
CENTRELINE OF DRIVE

EXISTING SECONDARY SCHOOL





SKETCH

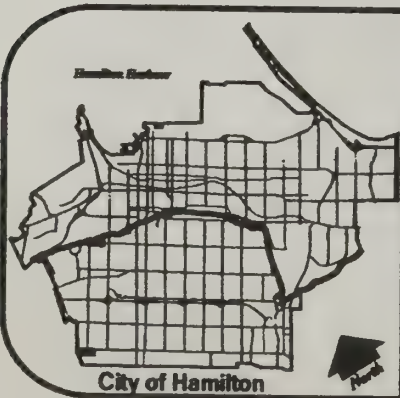
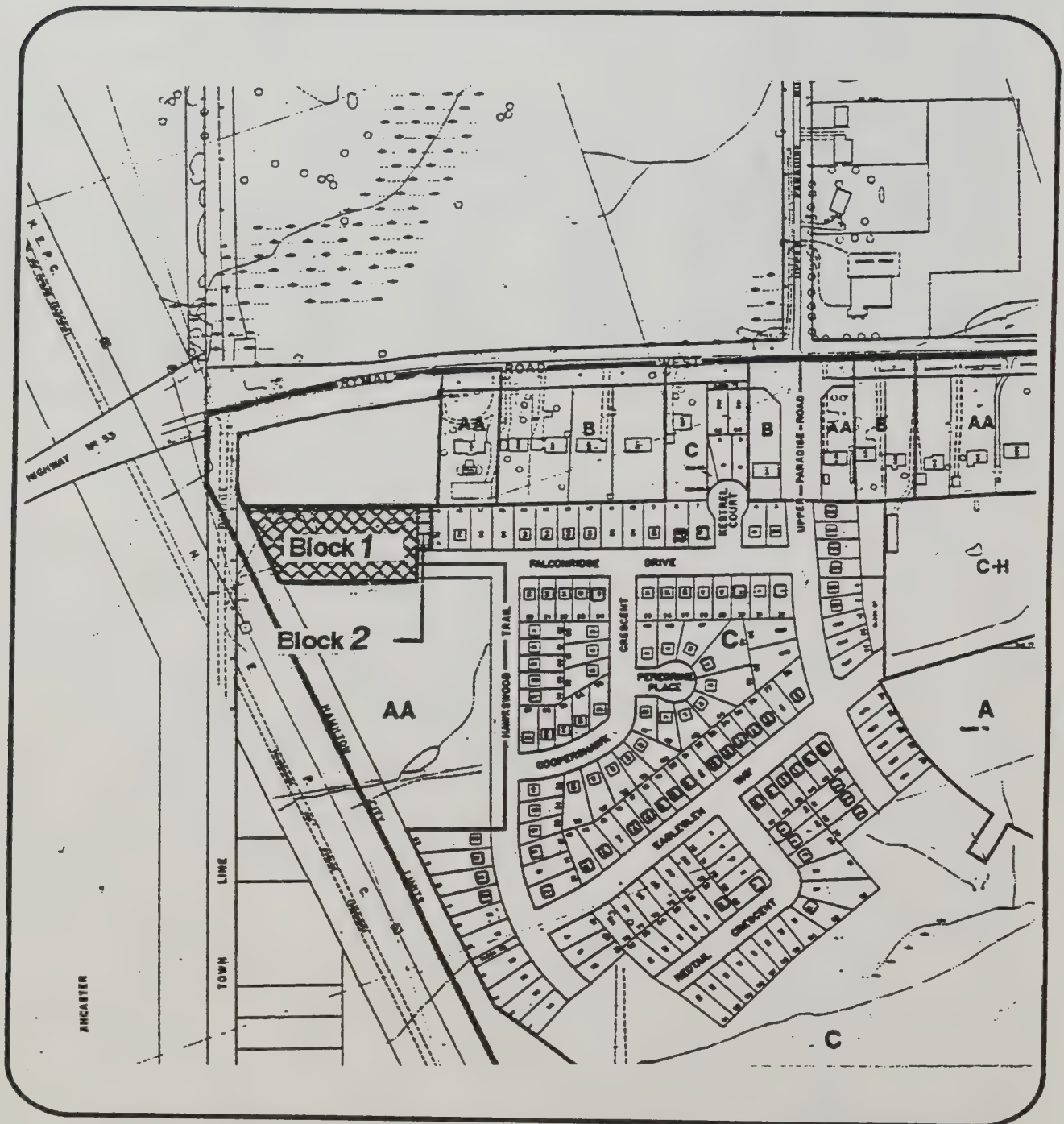


HAWKSWOOD TRAIL  
PART OF LOT 1, CONCESSION 1  
CITY OF HAMILTON

**Severance Sketch**

SCALE: N.T.S.





# PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

### Legend

Change in zoning from:

Block 1



"AA" (AGRICULTURAL) TO  
"RT-20" (TOWNHOUSE-MAISONETTE)  
DISTRICT, MODIFIED.

Block 2



"C" (URBAN PROTECTED RESIDENTIAL, ETC.)  
DISTRICT, TO "RT-20" (TOWNHOUSE-MAISONETTE)  
DISTRICT, MODIFIED.

Reference file:

ZAC-99-28

Scale

Not to Scale

Date

JULY 1999

Technician:

FAB



# CITY OF HAMILTON - RECOMMENDATION -

**DATE:** 2000 February 22  
ZAC-99-28  
Carpenter Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** LeeAnn Coveyduck  
General Manager, Community Planning and Development Division

**SUBJECT:** Request for a change in zoning for lands located east of Glancaster Road, west of Hawkswood Trail at the westerly limits of Falconridge Drive and south of Rymal Road West (PDC00051)

## RECOMMENDATION:

That approval be given to Zoning Application ZAC-99-28 Jomar Development Corporation Inc. (c/o J. Kutlesa), owner, for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse – Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse – Maisonette) District (Block "2") to permit condominium townhouse units on lands located east of Glancaster Road, west of Hawkswood Trail at the westerly limits of Falconridge Drive and south of Rymal Road West as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse – Maisonette) District;
- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse – Maisonette) District;
- (c) That the "RT-20" (Townhouse - Maisonette) District regulations, contained in Section 10E. of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
  - (i) No vehicular access shall be permitted from Falconridge Drive;
  - (ii) A visual barrier not less than 1.8 metres and not more than 2.0 metres in height shall be provided and maintained, except for points of vehicular access, along any lot line abutting a "C" District;
  - (iii) That notwithstanding Section 10E.(7)(a) of Zoning By-law No. 6593, a



maximum of 25 townhouse units shall be permitted;

- (iv) That notwithstanding Section 10E.(3) of Zoning By-law No. 6593, no building or structure, within the district shall exceed 1½ storeys, and no structure shall exceed 9.5 metres in height; and,
  - (v) That Section 4.(3)(b) of Zoning By-law No. 6593 shall not apply to the subject lands provided that a right-of-way for vehicular access from the subject lands to Rymal Road West has been established and registered on title; and,
  - (v) That in addition to the requirements of Section 10E.(10) of Zoning By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 metres in width shall be provided and maintained along the northerly lot line.
- (d) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council;
  - (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-38C and E-38D be notated as S- ;
  - (f) That the implementing By-law not be presented to City Council for adoption until such time as:
    - (i) the applicant and/or land owner has submitted, to the satisfaction of the Director, Land Development Department and Corporate Counsel, all of the required documentation to provide for permanent vehicular access, in perpetuity, from the subject lands to Rymal Road West through the Ontario Hydro corridor to the west of the subject lands from the following agencies: Ontario Hydro; Bell Canada; the Township of Glanbrook; the Town of Ancaster; and, the Hamilton Region Conservation Authority;
    - (ii) all required documentation has been submitted, to the satisfaction of the Director, Land Development Department and Corporate Counsel, that the necessary agreements and approvals have been secured in perpetuity, to provide for permanent vehicular access for the abutting lands to the south shown as Blocks "1" and "2" on APPENDIX "B", from these lands to Glanaster Road through the Ontario Hydro corridor to the west of the subject lands from the following agencies: Ontario Hydro; Bell Canada; TransCanada PipeLines; the Township of Glanbrook; and, the Hamilton Region Conservation Authority;



- (iii) the applicant/owner has demonstrated to the satisfaction of the Director, Land Development Department, and the Supervisor of Traffic Studies/Traffic Technologists, Traffic Division, Transportation, Operations and Environment Division, the proposed extension of Falconridge Drive westerly to connect to Glancaster Road is no longer required;
  - (iv) the applicant/owner applying for and receiving approval for an access agreement to Rymal Road West to the satisfaction of the General Manager, Transportation, Operations and Environment Division; and,
  - (v) the applicant has undertaken and completed, to the satisfaction of the Ministry of Citizenship, Culture and Recreation an archaeological assessment of the subject lands and any significant resources present are to be removed and documented through excavation prior to construction, or preserved intact while development proceeds around the subject lands.
- (g) That upon finalization of the implementing zoning by-law, the approved Carpenter Neighbourhood Plan be amended to redesignate Blocks "1" and "2" from "Single & Double" Residential to "Attached Housing" and to revise the road network by terminating Falconridge Drive as a cul-de-sac, as shown conceptually on APPENDIX "C".
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse – Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse – Maisonette) District (Block "2") for lands located east of Glancaster Road, west of Hawkswood Trail at the westerly limits of Falconridge Drive and south of Rymal Road West as shown on the attached map marked as APPENDIX "A".

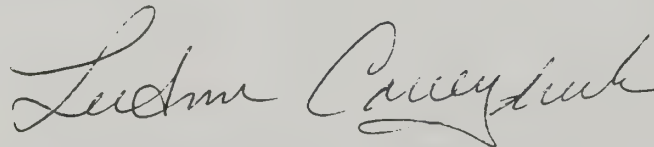
The effect of the proposed By-law is to permit the use of the subject lands for condominium townhouse units. In addition, the By-law provides for the following variances:

1. Vehicular access to the proposed townhouse units will be restricted to Rymal Road West;
2. Permits a maximum of 25 townhouse units whereas under the unit density



provisions of the Zoning By-law a maximum of 26 units are permitted;

3. Requires that a minimum 3.0 m wide landscaped planting strip be provided and maintained along the northerly lot line adjacent to the access driveway for the abutting mixed use building to the north;
4. Requires that a visual barrier not less than 1.8 metres and not more than 2.0 metres in height be provided and maintained, along any lot line abutting a "C" District;
5. Restricts the height of the townhouse units to 1 ½ storeys and 9.5 metres; and,
6. Exempts the subject lands from the requirement of having direct frontage on a public highway because access to the subject lands to Rymal Road West will be by way of a right-of-way across the Ontario Hydro Corridor to the former Glancaster Road allowance.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

#### **BACKGROUND:**

##### Proposal

The application is for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse – Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse – Maisonette) District (Block "2") for lands located east of Glancaster Road, west of Hawkswood Trail at the westerly limits of Falconridge Drive and south of Rymal Road West as shown on the attached map marked as APPENDIX "A". The applicant is proposing to develop the subject lands for a maximum of 25 condominium townhouse units. Vehicular access to the proposed townhouse units will be restricted to Rymal Road West (see APPENDIX "C").

##### Zoning Application 99-25

An application for a change in zoning for the abutting lands to the south has been submitted to the City (ZA-99-25). The application by Rehoboth United Reformed Church,



owner, is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located west of Hawkswood Trail and south of Falconridge Drive and east of the Hamilton City limits as shown on the attached map. marked as APPENDIX "B". The applicant is proposing to develop the subject lands for a church (Block "1") and 13 single family dwellings (Block "2").

Access to the lands shown as Block "1" is proposed via a right-of-way from Glancaster Road through the Ontario Hydro corridor. Ontario Hydro has approved in principle the proposed right-of-way subject to the applicant entering into the applicable agreements.

#### Zoning Application 98-24

In 1998, the applicant applied for an official plan amendment and changes in zoning to permit the development of the lands known as 723 Rymal Road West for a "Community and Residential Care Access Centre" (Blocks "1" and "2" on APPENDIX "D") and condominium townhouse units (Blocks "3" and "4" on APPENDIX "D").

A "Community and Residential Care Access Centre" is a mixed use building comprised of residential care and short-term residential care facilities for the accommodation of a maximum of 25 and 26 residents, respectively, of at least 65 years of age and medical and associated commercial uses. In addition, due to the historic significance of the existing dwelling on the subject lands, the applicant, after discussions with staff, agreed to convert the former Gage homestead into a restaurant.

Due to traffic concerns, the elimination of the road connection to Glancaster Road was considered to be premature until such time as the overall neighbourhood Planning Land Use designations, traffic issues, etc. had been addressed. In this regard, the applicant amended the zoning application to delete Blocks "3" and "4" from the application. The amended zoning application was subsequently approved by City Council.

#### **APPLICANT:**

Jomar Development Corporation Inc. (c/o J. Kutlesa), owner.

#### **AGENT:**

Planning and Engineering Initiatives Ltd.

#### **LOT SIZE AND AREA:**

The subject lands are rectangular in shape and have:

- a depth of 64 m;



- a width of approximately 125 m;
- a frontage along Rymal Road West of 20 m; and
- a lot area of 7,235 m<sup>2</sup>.

### **LAND USE AND ZONING:**

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Land Use</u>		
To the north	Mixed use building comprised of commercial and residential uses	"DE-3" (Multiple Dwellings) District, Modified
To the south	Vacant land	"AA" (Agricultural) District*
To the west	Utility Uses (Ontario Hydro Corridor and TransCanada PipeLines) and Vacant lands	N/A (Lands are located in the Township of Glanbrook and Town of Ancaster)
To the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

**\* NOTE:** An application for changes in zoning from "AA" District to "C" District has been submitted for the abutting lands to the south (File No. ZA-99-25)

### **OFFICIAL PLAN:**

The subject lands are designated "Residential" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single & Double" Residential in the approved Carpenter Neighbourhood Plan. A neighbourhood plan amendment is required to redesignate the subject lands from "Single & Double" Residential to "Attached Housing" and to delete the proposed extension of Falconridge Drive to Glanaster Road. Falconridge Drive will be terminated as a cul-de-sac.



### COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"The approved Carpenter Neighbourhood Plan connects Falconridge Drive to Glancaster Road. This extension of Falconridge Drive services the "Civic and Institutional" lands to the south and provides an additional access to the neighbourhood. The proposed application is requesting that this roadway section not be constructed and the lands be rezoned to "RT-20" (Townhouse – Maisonette) District to permit 25 bungalow townhouse units. All traffic generated by lands designated "Civic and Institutional" would then be forced through the internal streets in the Carpenter Neighbourhood. We have had discussions with the prospective purchasers of the "Civic and Institutional" lands about a potential roadway or driveway access to Glancaster Road. However, these options are premature. In conclusions, we consider the elimination of Falconridge Drive to Glancaster Road to be premature until such time as access to the "Civic and Institutional" lands to the south is resolved. Accordingly we request that the rezoning for the lands for townhouses be held in abeyance until the access for the "Civic and Institutional" lands to the south is resolved.

If access to the "Civic and Institutional" lands to the south is resolved to the satisfaction of this Department, then we would have no objection to the proposed zoning change to "RT-20" (Townhouse – Maisonette) District. The applicant has submitted a preliminary site plan and should be advised that due to the layout of the internal roadway and the Streets Division of Public Works operating procedures, the option of on-site City Garbage pickup will not be available. Provision for temporary garbage storage and/or private pickup should be included in the plan. As a condition of condominium approval, we will be recommending that a notice be registered on title for each unit indicating that on-site City garbage pick-up will not be available."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department have advised of the following:
  1. The parcel of land does not have frontage on a public highway. The total lot area must include the portion of Block 68 of Registered Plan 62M-747.
  2. The 0.30 m reserve adjacent to Falconridge Drive is required to be incorporated into the road allowance so as to establish frontage on a street and also to establish lot width.



3. If the cul-de-sac road allowance is to be established at the end of Falconridge Drive, the area of land for the townhouse development will be reduced and should be considered in all calculations for the development.
  4. A minimum of thirty-three (33) parking spaces are required. A minimum of eight (8) parking spaces must be signed 'Visitors Parking Only' and the remainder shall be located within a garage and must be at least 2.7 m x 6.0 m clear.
  5. It appears that the access driveway to Rymal Road West is located on the Ontario hydro lands which requires the applicant to establish a right-of-way.
  6. Each dwelling unit must have a privacy area that is screened on two sides having a screen height not less than 1.2 m and not more than 2.0 m and having a depth of not less than 2.5 m.
  7. No elevations or floor plans have been submitted to determine compliance with height, building separation and permitted projections into yards."
- The Development Engineering Section, Land Development Department have advised of the following:

"With respect to your letter dated July 7, 1999, we have the following comments and recommendations.

There are public watermains and separate storm and sanitary sewers available on Falconridge Drive to service the subject lands.

We have reviewed the above application and submit the following comments:

The Carpenter Neighbourhood Plan indicates that Falconridge Drive is to be extended westerly to Glancaster Road. Should access to the proposed Townhouse Block under this application and the proposed Church development under file ZA 99-25 be provided across lands of Ontario Hydro on either a sale or Long Term right-of-way agreement registered on title in favour of the townhouse block and Church Block respectively, the requirement of the neighborhood street extension to Glancaster Road could be deleted. **Until such time as the access to Glancaster Road has been secured for the Church development, etc. under file ZAC 99-25, this application is premature.**

Should the proposed Church development secure access to Glancaster Road as required in the comments under ZAC 99-25, the following conditions could apply to lands under Zoning Application 99-28:



1. As a condition of development approval the applicant/owner would then be required to enter into appropriate agreements with the City and the Region to establish and construct a cul-de-sac at the north and west sides of Falconridge Drive.
2. As a condition of development approval the applicant be required to pay all outstanding servicing and land costs to the City and Region respectively prior to the City of Hamilton lifting the .30m reserve on the north side of Falconridge Drive.
3. Should access to Rymal Road be required as a condition of development approval the applicant/owner must apply for and receive an Access Permit to Rymal Road to the satisfaction of the General Manager, Transportation, Operations and Environment Division.

The following items are included but not necessarily limited to the conditions of Access Approval to Rymal Road:

- a) That the applicant/owner receives the appropriate municipal approvals from the City of Hamilton to construct the proposed Town house access at the location proposed. This also includes provisions for emergency access to this development should the respective agencies require this.
- b) That the applicant/owner complete the acquisition of the half of the original road allowance between the Geographic Townships of Glanbrook and Ancaster for access purposes to Rymal Road should the transaction still be outstanding.
- c) That the applicant/owner satisfy the conditions of all the respective Utilities within the original road allowances. All costs for this relocation would be at the sole expense of the applicant/owner.
- d) That Ontario Hydro provide written confirmation to the Region that all their requirements and the requirements of the tenants of their property for the access construction have been satisfied.
- e) That the applicant/owner either acquire lands from Ontario Hydro to construct an access driveway for access to Rymal Road or that the applicant/owner enter into a Long Term lease/right-of-way arrangement registered on title to construct an access driveway over Ontario Hydro Lands for access to Rymal Road.



It is the applicant's responsibility to secure all the necessary approvals noted above prior to receiving an Access Permit to Rymal Road from this Office. The final geometric design components of the access to Rymal Road will be reviewed at such time as the application is made for the Access Permit. All costs to construct this access, etc. are the sole responsibility of the applicant/owner.

4. The applicant/owner must enter into a satisfactory site plan agreement with the City of Hamilton for the proposed townhouse development.

It is our recommendation that should this application be approved that these lands be placed in a '**Holding Zone**' until such time as all the conditions noted in above Items 3b) to 3e), inclusive, have been completed."

- The Development Planning Section, Land Development Department have advised of the following:

"Comments should be obtained from Ontario Hydro with respect to potential negative impacts on this proposed development, due to the proximity of the existing hydro transmission corridor abutting the subject lands."

- The Ontario Hydro Services Company have advised of the following:

"Ontario Hydro has no objection in principle to the proposal. Prior to final approval the following terms and conditions must be agreed to in writing from the applicant.

1. The proponent is to be aware and make aware to all its contractors and other on site that a distance of 15 feet must be maintained from the **live 230,000 volt overhead conductors**, as per OHSA section 186 proximity.

**NOTE:** These lines can raise and lower a significant amount without notice depending on electricity demand and supply.

2. The proponent is to agree to pay all costs associated with the relocating of the existing wood pole line components from the east side of old Glancaster Road to the west side of the road. Proponent is responsible to contact both Ontario Hydro, Dundas office and Hamilton Hydro in this regard. Should it be necessary, Mr. Tracy Bellamy can assist in providing the phone numbers. The proponent is also responsible for all cost associated with the relocation of the existing Hamilton Hydro lines which occupy the Ontario Hydro poles, under a joint use agreement.

3. The proponent is to obtain all necessary Municipality approval prior to



construction. Ontario Hydro is to be provided with any pertinent copies of the approvals, if required.

4. Ontario Hydro is to access to its lands at all times.
5. The proponent is to maintain, to Ontario Hydro's satisfaction the lands owned by Ontario Hydro north of the proposed access. The proponent will responsible for all swales and drain flows.
6. The proponent is to be aware that the maintenance area is not to be used for any purposes other than grass, unless written approval is given by Ontario Hydro.
7. Prior to construction the proponent is responsible to obtain all underground locates and provide upon request written proof to Ontario Hydro for its file.
8. The proponent is to provide fencing and gate along the access road. The fencing may consist of pole and wire cable. All cost associated with the fencing will be at the expense of the applicant and not Ontario Hydro. Mr. Tracy Bellamy is to be contacted prior to its construction in order to determine the location of the gates.
9. All slopes created by the applicant is to be a minimum of 4:1.
10. Temporary fencing must to installed and maintained during construction by the applicant.
11. The proponent is to arrange for an on-site meeting 72 working hours prior to construction. The meeting can be arranged by contacting Mr. Tracy Bellamy at 1-800-387-9363. It will be the responsibility of the applicant to have both himself and his contractor at the meeting."

- The Ministry of Citizenship, Culture and Recreation have advised of the following:

"Further to our conversation on January 13, 2000, I am writing to express concerns regarding the potential for archaeological resources on the subject lands. In referencing this Ministry's archaeological potential criteria, I note that the following criteria apply to this property:

- 2b. presence of secondary watercourse/wetland in the immediate vicinity of the subject property (north of Rymal Road), and,
10. local knowledge indicating the possible presence of archaeological



resources.

This confirms that the subject lands exhibit archaeological potential. As such, and in order to have regard for policy 2.5.2 of the PPS, all portions of the subject property not previously and extensively disturbed will need to be archaeologically assessed, and any significant resources present removed and documented through excavation prior to construction, or preserved intact while development proceeds around the property. I am aware that the north half of this property has already been extensively disturbed, and that it is too late to require an assessment of that area. However, you mentioned in our conversation that the south portion of the property will be severed in the future. This area should be archaeologically assessed prior to any further land disturbance activity."

- The Township of Glanbrook have advised of the following:

"The Township has no objections to this application. However, it is noted that there have been on-going meetings and discussion between the subject applicants, City of Hamilton, Town of Ancaster and Township of Glanbrook regarding the possibility of the closure of the portion of the unopened road allowance directly to the west of the subject lands, and its sale and merging in title with the subject lands. The Township has approved in principle this closure and sale, subject to certain conditions, one of which states "That the subject lands (within the Township of Glanbrook) shall be used as landscaped open space in association with the adjacent seniors townhouse development and shall be maintained on an on-going basis to the satisfaction of the Township of Glanbrook.

It is noted that the preliminary site plan attached to the subject zoning Application would appear to not include any buildings, driveways or structures within the existing township of Glanbrook lands, and thus, to be in compliance with the above-noted township condition. During the processing of the subject Zoning Application and subsequent Site Plan Approval application for the subject lands, the Township respectfully requests the City of Hamilton to ensure that the aforementioned condition is satisfied."

#### **COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and approved Carpenter Neighbourhood Plan. However, approval of the application will necessitate a neighbourhood plan amendment to redesignate the subject lands from "Single & Double" Residential to "Attached Housing" and to delete the proposed extension of Falconridge Drive to Glanaster Road and establish the proposed cul-de-sac.



2. The proposal has merit and can be supported in that it would be compatible with the abutting and planned residential uses, and provide for an alternative form of housing in the Carpenter Neighbourhood.
3. Based on the development concept provided by the applicant, variances to the "RT-20" District are required. Specifically, the following variances are required to implement the development of the subject lands for 25 condominium townhouse units:

Number of Units/Unit Height: Under the "RT-20" District provisions, one townhouse unit is permitted for every 230 m<sup>2</sup> of lot area and a maximum of 3.0 storeys and 11.0 metres in height is permitted.

Based on the rezoning application, the applicant is proposing to build townhouse units oriented towards the needs of empty nesters. As such, the applicant is proposing to construct bungalow townhouse units similar to those of "the Bungalows of Chedoke". Therefore, it is appropriate to use a similar height restriction of 1 ½ storeys or 9.5 metres.

It is noted that the subject lands have a total net lot area in excess of 6,000 m<sup>2</sup>, after the necessary lands are deducted for the proposed cul-de-sac. As such, a total of 26 units could be constructed. However, as the applicant is proposing 25 units, and to provide for certainty regarding the number of units to be built, the implementing zoning by-law should restrict the use of the subject lands to a maximum of 25 townhouse units.

Vehicular Access/Neighbourhood Traffic Concerns: At a neighbourhood meeting to consider the original zoning application (i.e. ZA-98-24), residents of the Carpenter Neighbourhood expressed concerns regarding increased vehicular traffic associated with the proposed townhouse units. As a result of these concerns, the applicant agreed to revise their plans to provide for vehicular access directly from Rymal Road West. As such, the implementing zoning by-law should prohibit vehicular access from Falconridge Drive. Furthermore, a 0.3m reserve should be established adjacent to Falconridge Drive.

Landscaping and Buffering: Fifteen of the proposed townhouse units will back onto the existing mixed-use building to the north of the subject lands presently being developed by the applicant. During the site plan review, Development Planning staff requested that the site plan for the abutting lands provide for a heavily landscaped planting strip along the common future lot line to minimize the effect of the access driveway on the future rear yard amenity area of the townhouse units. Due to site constraints (i.e. the size of the landscaped planting strip), the applicant's agent agreed to provide a portion of the landscaping on the



northerly lands and a portion on the townhouse lands. As such, the implementing zoning by-law should require a minimum 3.0 m landscaped planting strip along the northerly lot line to provide for a buffer for the townhouse units from the mixed use building. In addition, a visual barrier, between 1.8 and 2.0 metres in height should be required to be provided and maintained, except for points of vehicular access, along any lot line abutting a "C" District.

4. As part of the proposed townhouse development, Falconridge Drive is to be terminated as a cul-de-sac approximately 50 m west of Hawkswood Trail.

The termination of Falconridge, as proposed, would eliminate the connection to Glancaster Road. Neighbourhood traffic would be required to use Upper Paradise Road to access Rymal Road West. As such, all of the traffic associated with the adjacent lands to the south designated for institutional uses would be directed to the local streets (i.e. Hawkswood Trail and Falconridge Drive) to access Rymal Road via Upper Paradise Road.

In response to the above concerns, staff have met with the applicant and Ontario Hydro to provide for an alternative permanent access (i.e. right-of-way) from the proposed church to Glancaster Road (See Appendix "B" – Block "1"). This alternative access is to be designed and constructed to acceptable municipal engineering standards.

In this regard, it is proposed that the implementing By-law to provide for the changes in zoning be held in abeyance until such time as the applicant and/or land owner has submitted, to the satisfaction of the Director, Land Development and Corporate Counsel, all of the required documentation to provide for permanent vehicular access for the abutting lands to the south to Glancaster Road through the Ontario Hydro corridor to the west of the subject lands. In addition, the applicant will be required to enter into an Access Agreement with the Region of Hamilton-Wentworth for the proposed access onto Rymal Road West.

Should the applicant not be able to secure the necessary approvals (i.e. Ontario Hydro, Bell Canada, the Township of Glanbrook, the Town of Ancaster, the Hamilton Region Conservation Authority and the Region of Hamilton-Wentworth) to provide for the access to Rymal Road West, then the proposed neighbourhood plan amendment to terminate Falconridge Drive in a cul-de-sac will have to be revisited and the approvals for this application (ZA-99-28) and for the abutting lands to the south (ZA-99-25) will have to be reconsidered.

5. The Ministry of Citizenship, Culture and Recreation has advised that the subject lands exhibit archaeological potential. As such, and in order to have regard for policy 2.5.2 of the Provincial Policy Statement, the Ministry has requested that



all portions of the subject property not previously and extensively disturbed will need to be archaeologically assessed, and any significant resources present removed and documented through excavation prior to construction, or preserved intact. In this regard, and in keeping with the general intent of Official Plan Amendment No. 160 (Heritage Impact Assessment criteria and guidelines), the implementing zoning by-law should be held in abeyance until such time as the applicant has undertaken an archaeological assessment of the subject lands to the Ministry's satisfaction.

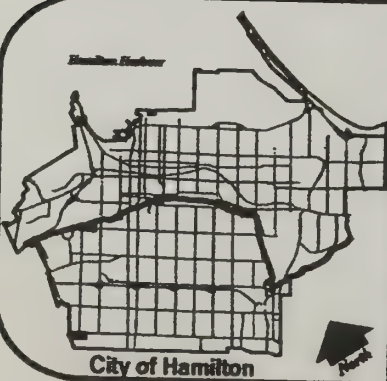
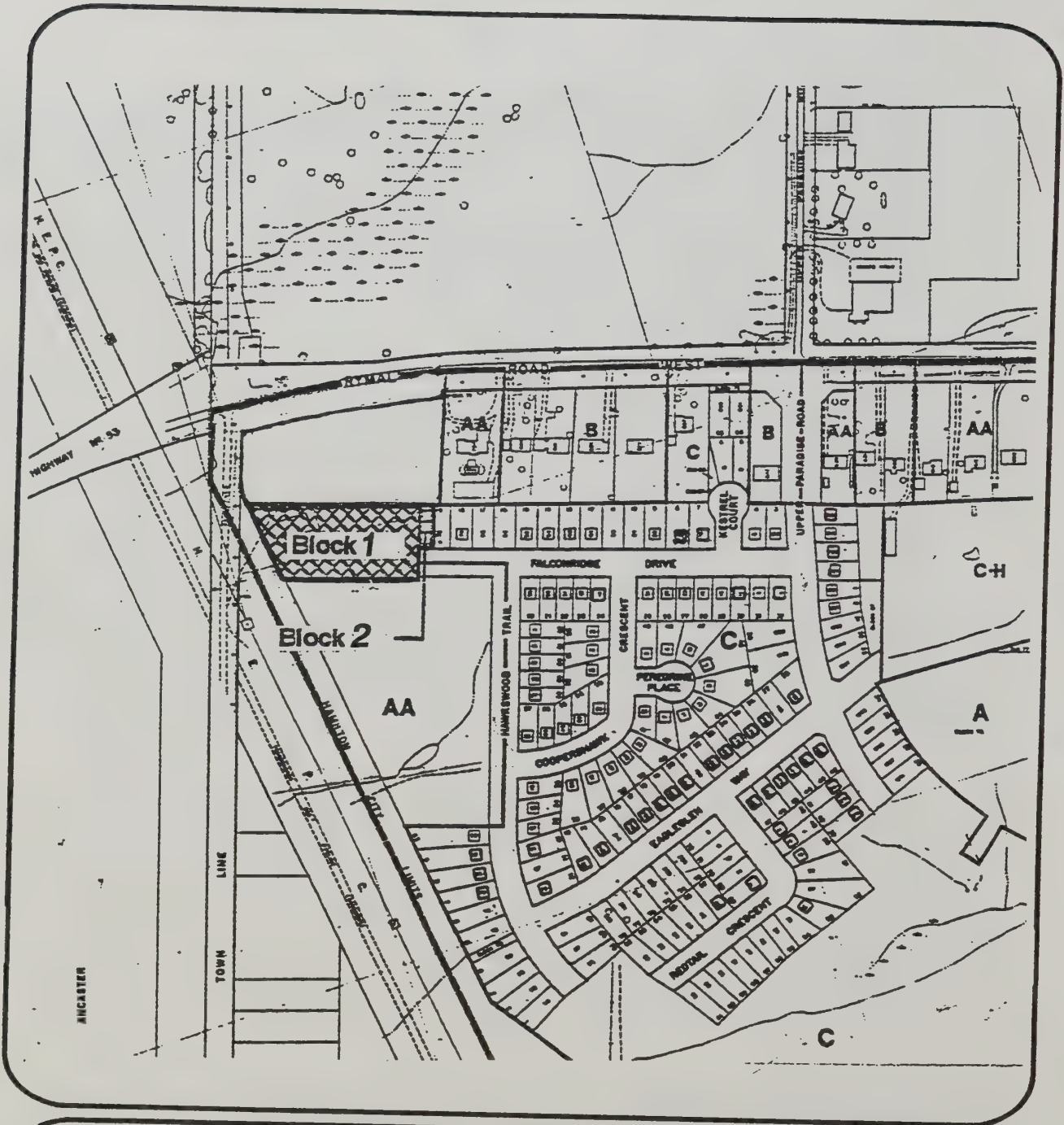
6. Development of the subject lands in accordance with the proposed "RT-20" District zoning will be subject to Site Plan approval. In this regard, matters such as access, grading, landscaping, parking, etc. will be reviewed. It is noted that a site plan application for the subject lands cannot be finalized until such time as the implementing zoning by-law for the subject lands is final and binding. As previously noted, this is conditional upon it being demonstrated for this application and the abutting application to the south (i.e. ZA-99-25) to the satisfaction of the Director, Land Development Department, and the Supervisor of Traffic Studies/Traffic Technologists, Traffic Division, Transportation, Operations and Environment Division, the proposed extension of Falconridge Drive westerly to connect to Glanaster Road is no longer required.

**CONCLUSION:**

Based on the foregoing, the application can be supported.

ZA99-28rpt.doc





PLANNING AND DEVELOPMENT DEPARTMENT

# Location Map

**Legend**

Change in zoning from:

Block 1



"AA" (AGRICULTURAL) TO  
"RT-20" (TOWNHOUSE-MAISONETTE)  
DISTRICT, MODIFIED.

Block 2



"C" (URBAN PROTECTED RESIDENTIAL, ETC.)  
DISTRICT, TO "RT-20" (TOWNHOUSE-MAISONETTE)  
DISTRICT, MODIFIED.

Reference file:  
**ZAC-99-28**

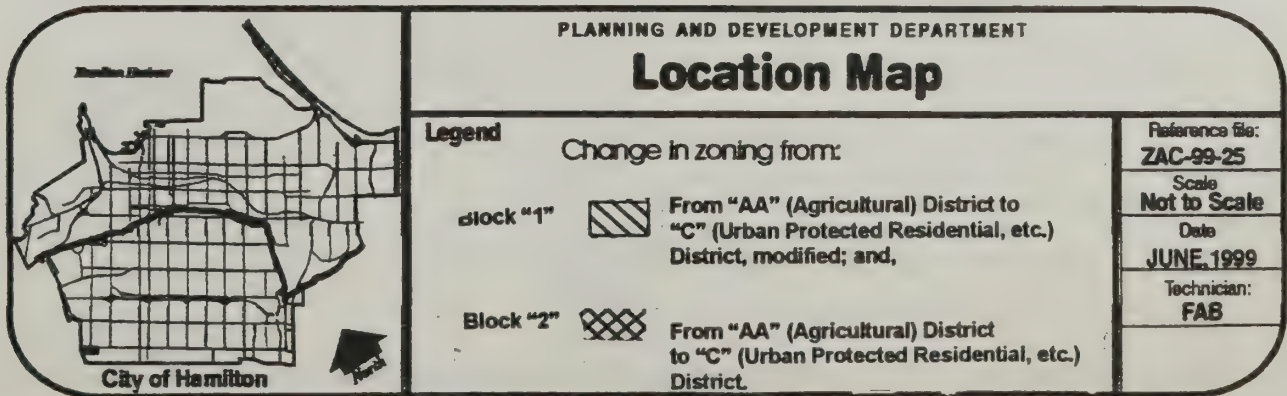
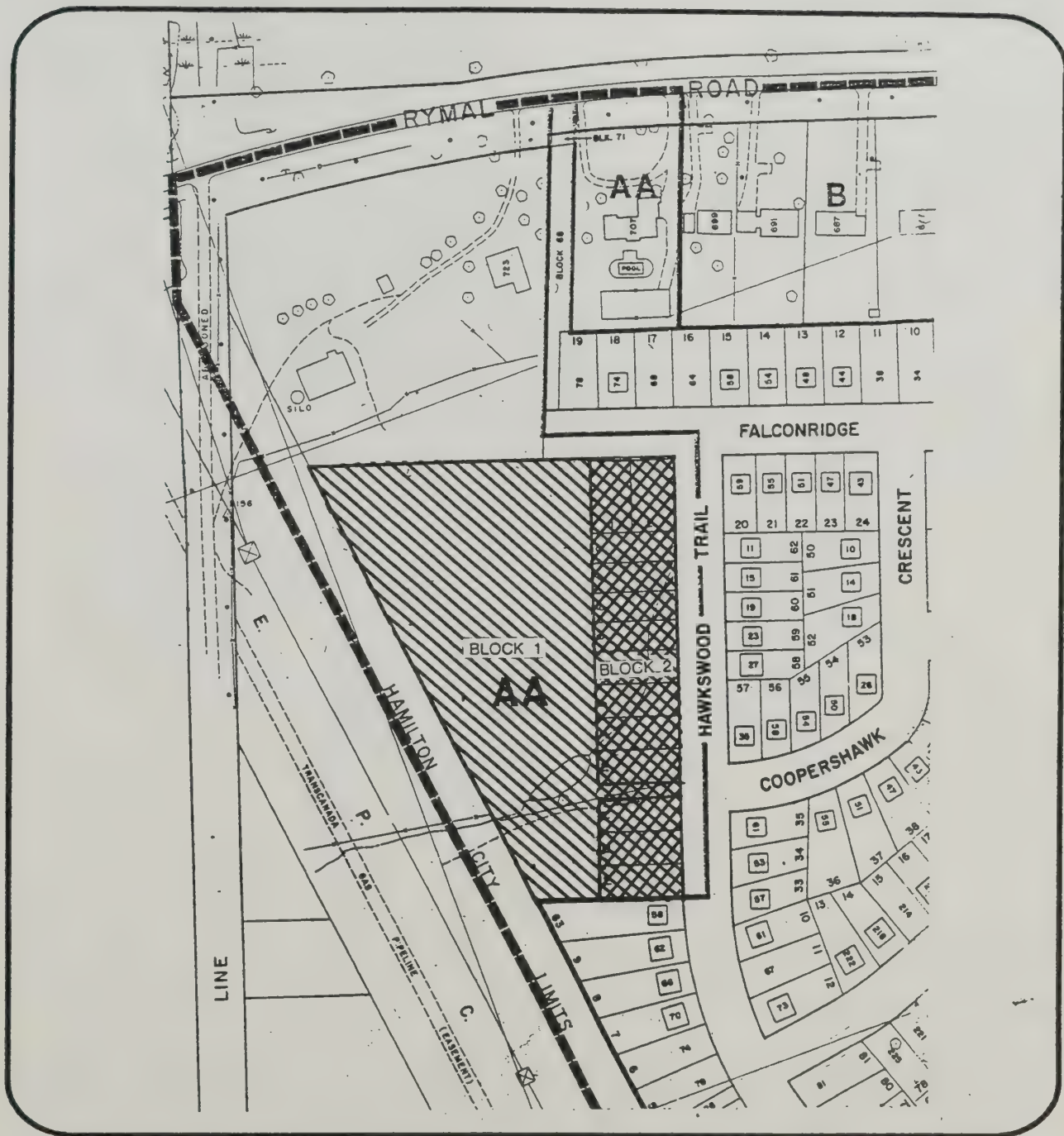
Scale  
**Not to Scale**

Date  
**JULY 1999**

Technician:  
**FAB**

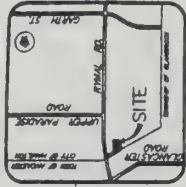
**APPENDIX A**







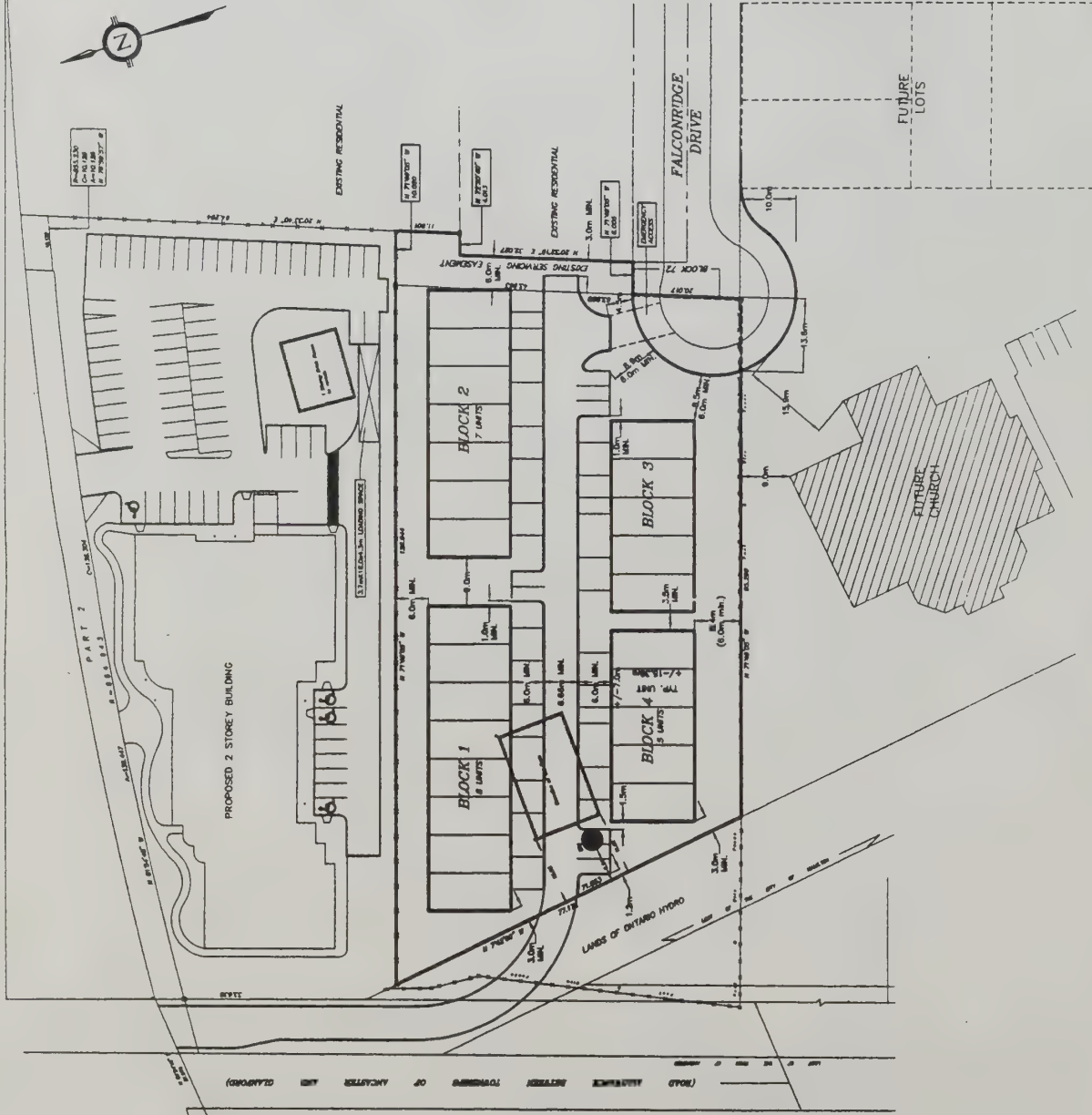
# RYMAL ROAD WEST



## KEY MAP

### DEVELOPMENT DETAILS:

TOTAL LOT AREA 7,237.85 sqm  
 BUILDING COVERAGE 2,884.45 sqm - 37.0%  
 DRIVEWAY/PARKING AREA 1,326.70 sqm  
 LANDSCAPED AREA 3,226.50 sqm - 44.3%  
 PARKING REQUIREMENTS:  
 8 visitor spaces required  
 8 visitor spaces provided



NO.	DATE	BY	REVISIONS
1	01/01/99	MM	INITIALS
2	01/01/99	MM	INITIALS
3	01/01/99	MM	INITIALS
4	01/01/99	MM	INITIALS
5	01/01/99	MM	INITIALS
6	01/01/99	MM	INITIALS
7	01/01/99	MM	INITIALS
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9	01/01/99	MM	INITIALS
10	01/01/99	MM	INITIALS

## APPROVALS



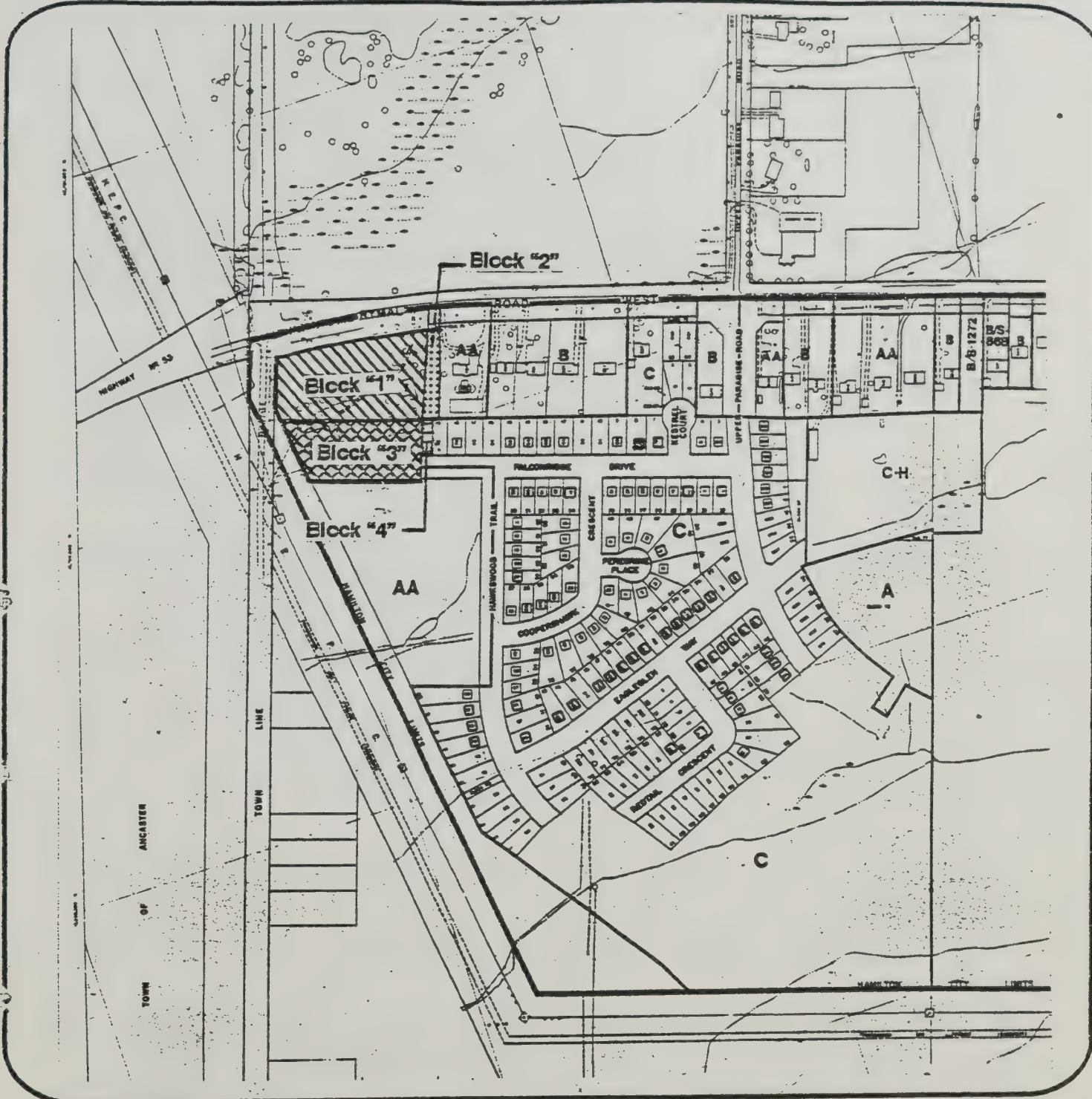
PLANNING & ENGINEERING INITIATIVES LTD.  
 1000 SHEPPARD AVENUE EAST, SUITE 100  
 SCARBOROUGH, ONTARIO M1S 1B7  
 TEL: (416) 291-1111  
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 E-MAIL: info@peiltd.com

CITY OF HAMILTON  
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

JOMAR LUXURY TOWNHOUSES

PRELIMINARY SITE PLAN  
 723 RYMAL ROAD WEST  
 PROJECT: HP-645  
 ZONE: Z1





PLANNING AND DEVELOPMENT DEPARTMENT

# Location Map

Legend



- Block "1" From "AA" (Agricultural) District to "DE-3" - "H" (Multiple Dwellings - Holding) District, modified;
- Block "2" From "C" (Urban Protected Residential, etc.) District to "DE-3" - "H" (Multiple Dwellings - Holding) District, modified;
- Block "3" From "AA" (Agricultural) District To "RT-20" (Townhouse-Maisonette) District, modified;
- Block "4" From "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, modified;

Reference file:  
**ZAC-88-24**

Scale  
**Not to Scale**

Date  
**November, 1998**

Technician:  
**F.N.**











# MINUTES

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, February 23, 2000

9:30 a.m.

Room 233, Hamilton City Hall

71 Main Street West, Hamilton

**Present:** Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

**Regrets:** Mayor R. M. Morrow (Civic Business)

**Also Present:** Alderman Horwath, Alderman Anderson, L. Coveyduck, G. Paparella, P. Mason, P. Mallard, A. Zuidema, P. Lampman, M. Mascarenhas, H. Milsome, E. Switinky, E. Chajka, K. Nutley, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

### THE FOLLOWING ITEMS WERE RECOMMENDED TO CITY COUNCIL:

1. **SAC-99-04 & ZAC-99-39 for lands South of Royalvista Drive and West of Upper Gage Avenue (PDC00039) (Item 2.1)**
  - A. That approval be given to Subdivision Application 99-04. (Regional File No.25T-99010). A. Nesci and 683595 Ontario Inc. to establish a draft plan of subdivision "Royalvista Court", on lands located south of Royal Vista Drive and west of Upper Gage Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
    - (a) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated October 18, 1999, showing 8 lots for single detached dwellings and 1 block for future development with the abutting lands, attached as



Appendix "B"

- (b) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
- (c) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
- (d) That the final plan conform with the Zoning By-law approved under the Planning Act;
- (e) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
- (f) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (g) That the Owner agree to include the following warning clause to be registered on title of Lot 8 within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director, Land Development Department, Community Planning and Development Division and the Corporate Counsel:

"Purchasers are advised that noise levels originating from Upper Gage Avenue may become of concern, occasionally interfering with some activities of the occupant."

- (h) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton and Region of Hamilton-Wentworth prior to development of any portion of these lands.
- (i) That the owner/applicant establish a 0.30 metre reserve adjacent to Upper Gage Avenue along the full frontage of Block 9. The reserve is to be transferred to the City of Hamilton upon registration of the final plan for Block 9. The Reserve is to be established outside the existing road allowance and will be transferred back to the owner once the



ultimate design for Block 9 has been registered on title to the satisfaction of the General Manager, Community Planning and Development Division.

- (j) That Part 8 on Reference Plan 62R-9436 is dedicated to the Region for road widening purposes.
- (k) That Parts 6 and 7 on Reference Plan 62R-9436 be dedicated to the City of Hamilton for road widening purposes to complete the required daylight triangle.
- (l) That the owner agree in writing and register on title of Lot 8 that vehicular access to Lot 8 must be within the 4.5m frontage on Royal Vista Drive outside of the daylight triangle.
- (m) That the owner purchase Part 5 on Reference Plan 62R-9436 from the City of Hamilton and merge it in title with these lands to the satisfaction of the Director, Land Development Department, Community Planning and Development Division and the Corporate Counsel.
- (n) That the applicant/owner enter into appropriate agreements with the City of Hamilton and the Region of Hamilton-Wentworth to pay all outstanding land, servicing, and road costs on Royalvista Drive.
- (o) That the owner submit the necessary documentation to the satisfaction of the Manager, Development Engineering Section, Land Development Department that the utility easement running east-west is no longer required and has been extinguished.
- (p) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act.
- (q) That prior to the registration of the proposed plan of subdivision, the owner file with the City of Hamilton an application for exemption from part lot control for the purpose of creating maintenance easements for Lots 1 — 8 to the satisfaction of the Manager, Development Planning, Land Development Department.
- (r) That any phasing of this development and any temporary works required accommodating the same, be to the satisfaction of the Manager, Development Engineering Section, Community Planning



and Development Division.

- (s) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-99-04/25T-9901 0), "Royalvista Court", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met.
  - (t) That the Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- B. That approval be given to Zoning Application ZAC-99-39. A. Nesci and 683595 Ontario Inc., for changes in zoning from "D" (Urban Protected Residential — One and Two Family, etc.) District, modified, to "R-4" (Small Lot Single Family Dwelling) District (Block "1"), from "L-c" (Planned Development — Commercial) District, modified, to "R-4" (Small Lot Single Family Dwelling) District (Block "2"), from "L-c" (Planned Development — Commercial) District, modified, to "C" — 'H' (Urban Protected Residential, etc. - Holding) District (Block "3"), from "D" (Urban Protected Residential — One and Two Family, etc.) District, modified, to "C" — 'H' (Urban Protected Residential, etc. - Holding) District (Block "4"), and, from "G" (Neighbourhood Shopping Centre, etc.) District, modified, to "C" — 'H' (Urban Protected Residential, etc. - Holding) District (Block "5") to permit the use of the subject lands for single detached residential uses, for lands located south of Royalvista Drive and west of Upper Gage Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as APPENDIX "A" on the following basis:
- (a) That Block "1" be rezoned from "D" (Urban Protected Residential — One and Two Family, etc.) District, modified, to "R-4" (Small Lot Single Family Dwelling) District;
  - (b) That Block "2" be rezoned from "L-c" (Planned Development — Commercial) District, modified, to "R-4" (Small Lot Single Family Dwelling) District;
  - (c) That Block "3" be rezoned from "L-c" (Planned Development — Commercial) District, modified, to "C" — 'H' (Urban Protected Residential, etc. - Holding) District;



- (d) That Block "4" be rezoned from "D" (Urban Protected Residential —One and Two Family, etc.) District, modified, to "C" — 'H' (Urban Protected Residential, etc. - Holding) District; and,
- (e) That Block "5" be rezoned from "G" (Neighbourhood Shopping Centre, etc.) District, modified, to "C" — 'H' (Urban Protected Residential, etc. -Holding) District.
- (f) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed "C" (Urban Protected Residential, etc.) District applicable to Blocks "3" "4" and "5". The holding provision will prohibit the development of the subject lands, referred to in sections (D)(c), (D)(d) and (D)(e), until such time as the following conditions have been satisfied:
  - (i) That the lands shown as Blocks "3", "4" and "5" be assembled for the purpose of orderly development to the satisfaction of the Director, Land Development Department, Community Planning and Development Division; and,
  - (ii) The applicant/owner applying for and receiving draft plan approval by the Region of Hamilton-Wentworth of a Plan of Subdivision.

City Council may remove the 'H' symbol, and thereby give effect to the 'C' District provisions by enactment of an amending By-law once the conditions have been fulfilled;
- (g) That the amending By-law be added to Section 1 9B of Zoning By-law No. 6593 as Schedule S -1440, and that the subject lands on Zoning District Maps E-38C and E-38D be notated as S -1440;
- (h) That the Corporate Counsel of Legal Services be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council;
- (i) That upon redesignation of the subject lands in the approved Eleanor Neighbourhood Plan from "Commercial" and "Utilities" to "Single and Double" Residential, then the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area; and,



- (j) That the approved Eleanor Neighbourhood Plan be amended to redesignate the subject land from "Commercial" and "Utilities" to "Single and Double" Residential and to revise the street plan to provide for the proposed cul-de-sac.

**2. ZAC-99-40, Lands Located at 1389 Upper James Street (PDC00040) (Item 2.2)**

That approval be given to Zoning Application 99-40, J & A Riccio Developments Inc., prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District, for property located at 1389 Upper James Street, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- (c) The "HH" (Restricted Community Shopping Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 14. (3) (a) of By-law No. 6593, a front yard of not less than 24.0 metres in depth shall be provided and maintained;
  - (ii) That notwithstanding Section 18A. (9) of Zoning By-law No. 6593, the required maneuvering for parking and loading spaces may be provided and maintained off-site;
  - (iii) That a minimum 3.0 m wide landscape area shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access;
  - (iv) That a planting strip not less than 3.0 metres in width, and a visual barrier not less than 1.8 metres in height and not greater than 2.0 metres in height shall be provided and maintained along the entire



easterly rear lot line;

- (d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1439, and the subject lands on Zoning District Map E-9C be notated S - 1439;
- (e) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C, for presentation to City Council;
- (f) That this proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (g) That the subject lands be redesignated on the approved Ryckmans Neighbourhood Plan from "Civic and Institutional " to "Commercial and Retail Warehouse" upon finalization of the implementing By-law.
- (h) That Staff be directed to incorporate fence access to the Dr. William Bethune Park through the Site Plan approval process.

**3. Downtown Hamilton BIA- Proposed Budget and Schedule of Payments for 2000 (PWT00039) (Item 4.2)**

- (a) That the 2000 operating budget for the Downtown Hamilton B.I.A, attached hereto as Appendix 'D', be approved in the amount of \$135,000; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 2000 be approved:

March	\$67,500
June	\$33,750
September	\$33,750

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

**4. Ottawa Street BIA- Proposed Budget and Schedule of Payments for 2000**



**(PWT00045) (Item 4.3)**

- (a) That the 2000 operating budget for the Ottawa Street B.I.A., attached hereto as Appendix 'E' be approved in the amount of \$54,050; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 2000 be approved:

February	\$17,600.00
May	\$17,600.00
September	\$18,850.00

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

**5. Final Lot Grading and Sodding Contract for Various Subdivisions in Hamilton During the Year 2000 (PDC00028) (Item 4.4)**

That the General Manager of Finance be authorized and directed to issue an Open Order to Cedar Springs Landscape Contractors Ltd. to provide final lot grading and sodding as and when required during the year 2000 in various subdivisions in Hamilton.

**6. Bills:**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-003 A By-law to Amend By-law No. 6593 As Amended by Bylaw No. 99-058 Respecting Land Located at Municipal No. 723 Rymal Road West.
- (b) C-004 A By-law to Remove Land within the "Kemp Estates" Subdivision, Plan 62M-812 from Part Lot Control.
- (c) C-005 A By-law to Remove Land within the "Gourley Stage 2, Phase 2" Subdivision, Plan 62M-897 from Part Lot Control.



- (d) C-006 A By-law to Amend By-law No. 6593 As Amended by Bylaw No. 99-103 Respecting Lands Located on the South Side of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:**

- (a) **Declarations of Interest** (Item 1)

None declared.

- (b) **Adoption of Minutes - February 2, 2000** (Item 3.1)

The Minutes of the meeting held February 2, 2000 were adopted.

- (c) **SAC-99-04 & ZAC-99-39 for lands South of Royalvista Drive and West of Upper Gage Avenue (PDC00039)** (Item 2.1)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the report. He advised that of 105 Notices circulated, 4 replied in favour and none opposed.

Al Fletcher and the applicants were present in favour of the recommendation. He advised that there is adequate supply of commercial in the area and the development is compatible with the surrounding neighbourhood.

Sergio Manchia of Planning Initiatives was present on behalf of residents on Liverno Court, specifically Mr. and Mrs. Hutton. He stated that his clients have concerns regarding traffic, density and the intended use as commercial.

Alderman Anderson and Alderman Kelly were in favour of the proposal.

In response to a question from Alderman Copps, Paul Mallard stated that the density is compatible with the surrounding area.



- (d) **ZAC-99-40, Lands Located at 1389 Upper James Street (PDC00040)**  
(Item 2.2)

**Submission-**Mary Lou Dickson, 1428 Upper James Street, Hamilton

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee and advised that of 38 notices circulated 2 replied in favour one one opposed.

Mr. Riccio was present in favour of the recommendation.

Marilyn Smith of 1375 Upper James Street was present to voice her opposition to the proposed walkway and also to request a 2-metre chain link fence abutting her property as a condition of approval.

Paul Mallard advised that the provisions requiring fences are only for residential properties and Mrs. Smith's property is zoned commercial. He suggested that the ward aldermen would have an opportunity to review the fencing issue at the Site Plan Stage.

Robert Morris of 1452 Upper James Street was present in opposition to the recommendation. In response to a question, Kevin Nutley advised that the property was declared surplus and then it was put up for sale through a real estate company.

Mr. Morris stated that his family has owned his property since the 1940's and he is concerned over the condition of the park. The chairperson assured him that there is money in the budget to renovate the pool and that money from the sale of the land is being allocated to park redevelopment.

In response to a question from Alderman Copps, Paul Mallard stated that a 600 foot walkway is not practical.

A discussion ensued concerning a potential walkway or gate. Art Zuidema advised that an easement is a right of passage and there would be a long term liability to the City to maintain it. In addition the terms and conditions of purchase and sale may change or be nullified.



Mr. Riccio stated that he is prepared to support access from his property as well as all the other commercial properties abutting the park.

An amendment was introduced and defeated as follows:

"That staff be directed to include a public access easement from the property in question to the park".

A further amendment was introduced and carried as follows:

"That Staff be directed to incorporate fence access to the Dr. William Bethune Park through the Site Plan approval process".

\*Alderman Copps was opposed to the amendment.

\*Alderman Copps was opposed to the main motion as amended.

(e) **Demolition of 244 King St. E., Implementation of the Ferguson Avenue Master Plan (PWT00037) (Item 4.1)**

Alderman Charters was concerned that there was no comprehensive plan to deal with this property. The Committee concurred that development should not occur piecemeal and that this should be incorporated into an overall plan such as the Secondary Plan which will be presented in June.

Following discussion the Committee resolved that the report be tabled with direction to staff to come back with a comprehensive plan regarding best use for the site and the building.

(f) **Information Items (Item 4.5)**

That the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

- (a) Acting General Manager/MOH Social and Public Health Services Division re: Extra Funding for Federal Renovation Programs (HSB0004) dated February 7, 2000.
- (b) General Manager, Community Planning and Development Division and Director, Economic Development Department re: Update on Brownfields Initiatives (PDC00037) dated February 7, 2000.



- (c) General Manager, Community Planning and Development Division  
re: Development Permit System – Pilot Project for the City of  
Hamilton (PDC00025) dated February 11, 2000.
- (d) General Manager, Community Planning and Development Division  
re: 195 Ferguson Avenue North – Implementation of the Wesley  
OMB Decision (seventh report) – (PDC99088(E)) dated February 11,  
2000.

(g) **Extra Funding for Federal Renovation Programs (HSB0004)** (item 5.1)

Mark Mascarehas was present to review the information report with the Committee. He advised that the City has applied for and received 1.7 million dollars.

(h) **Other Business**

- (i) Alderman Corsini advised the Committee that the City has until the end of year 2000 to determine alternate sites for the corrections facility. Paul Mason advised that staff is preparing a report regarding residential care facilities including correction which will be completed soon.
- (ii) Alderman Charters advised the Committee that Habitat for Humanity is interested in property which is presently zoned as a parking lot. After brief discussion the Committee resolved as follows:

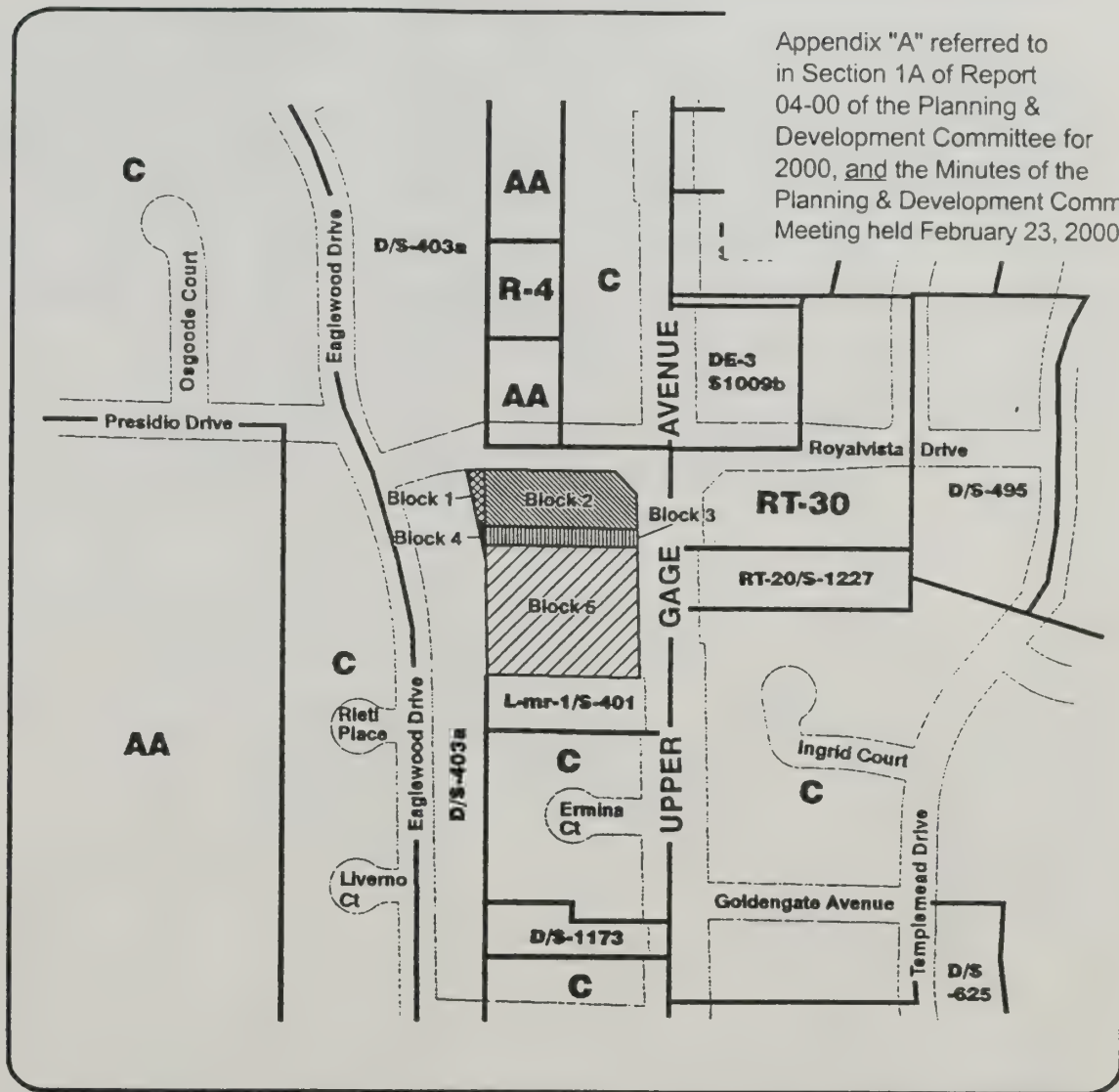
"That Community Planning and Development Division staff be directed to undertake a City Initiative to rezone the lands at 90 Kinraid Street to permit residential use."

Note: The meeting of the Planning and Development Committee adjourned at 10:45 a.m.

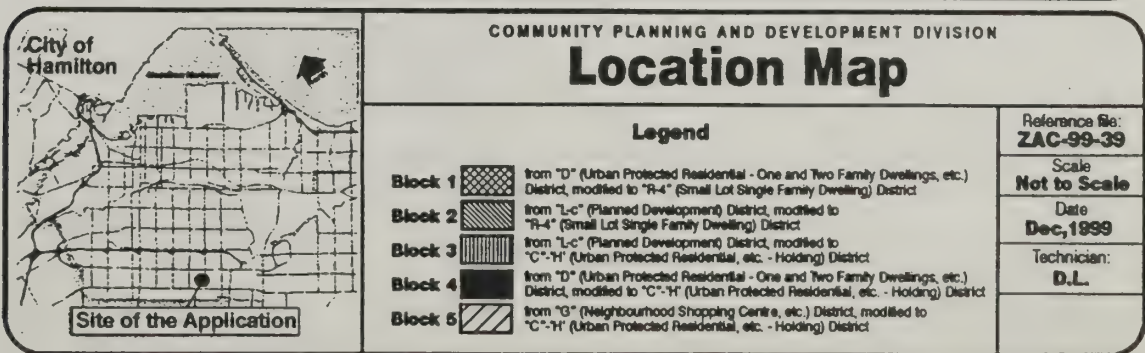
**Alderman F. D'Amico, Chairperson  
Planning and Development Committee**

**Tina Agnello, Legislative Assistant  
February 23, 2000**

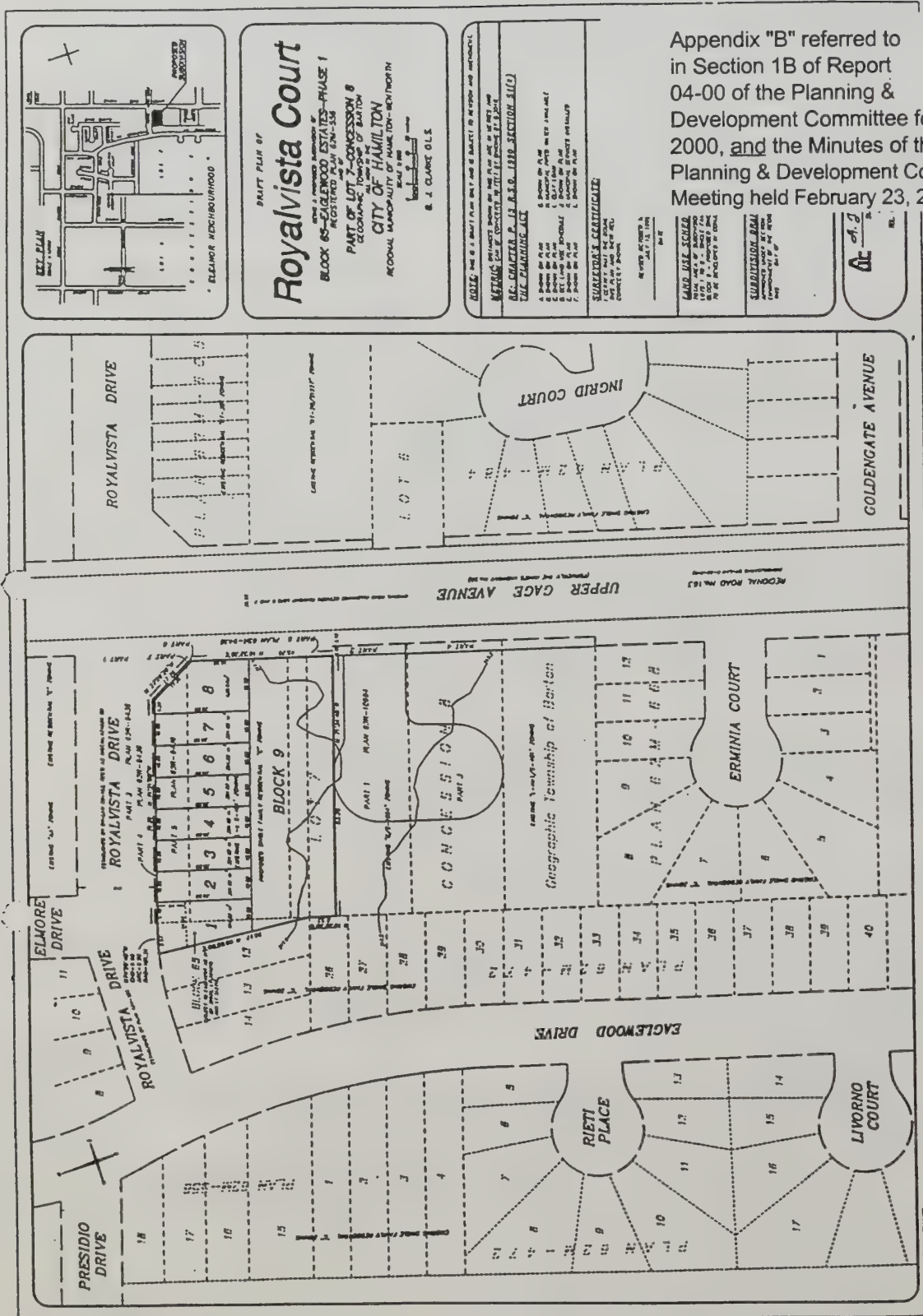




Appendix "A" referred to in Section 1A of Report 04-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held February 23, 2000.

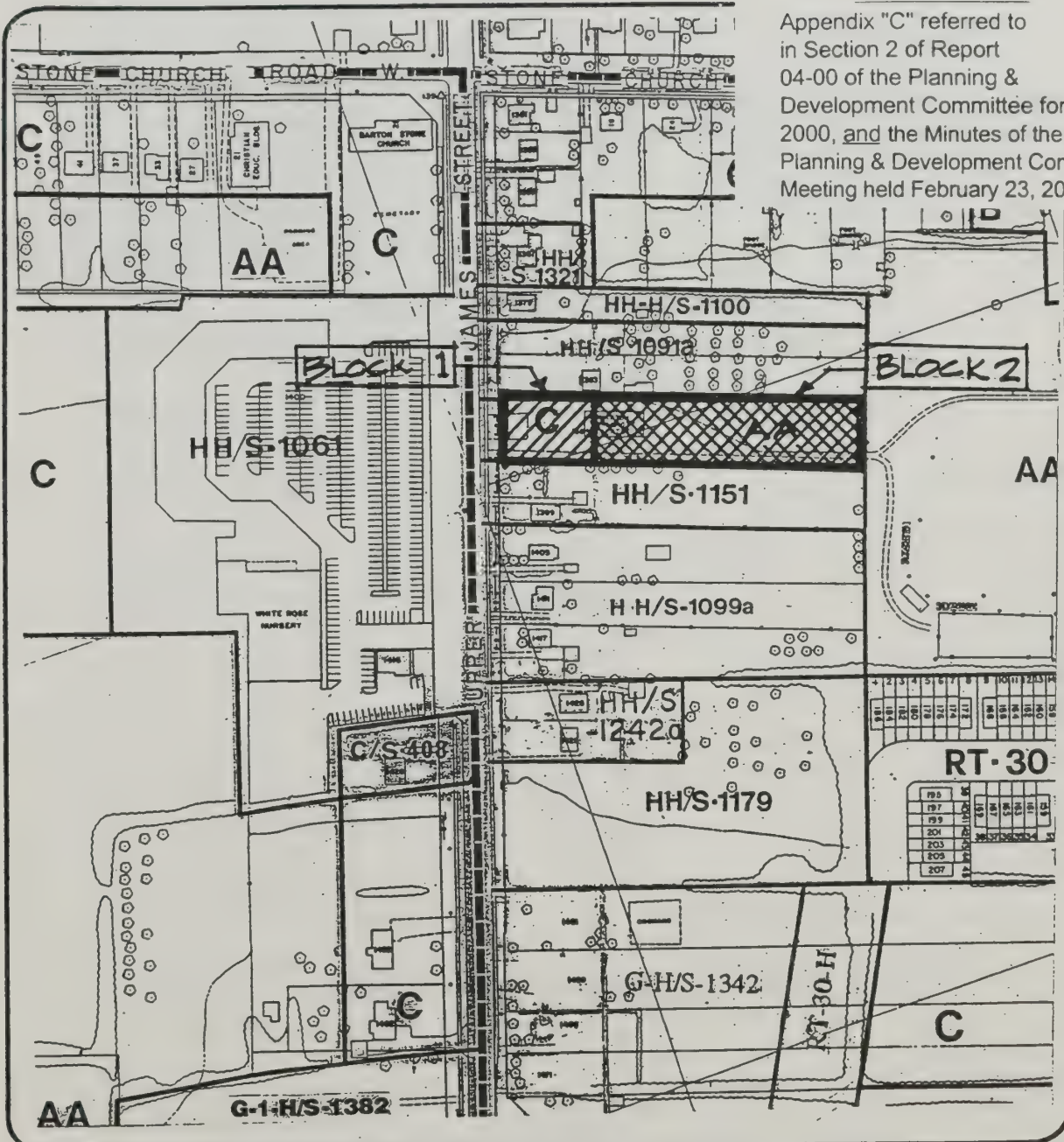




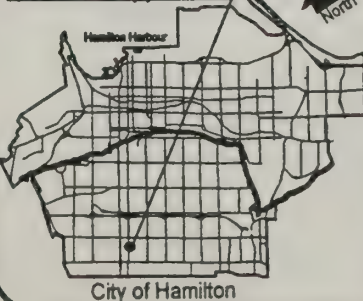




Appendix "C" referred to in Section 2 of Report 04-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held February 23, 2000.



Site of the Application





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

Change in Zoning from:

- BLK 1**  "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified
- BLK 2**  "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified

Reference file:

**ZAC-99-40**

Scale

**Not to Scale**

Date

**Feb., 2000**

Technician:

**B. B.**

**APPENDIX 'A'**



Downtown Hamilton Business Improvement Area (B.I.  
Proposed Budget and Schedule of Payment for 2000 (

Appendix "D" referred to  
in Section 3 of Report  
04-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held February 23, 2000.

## **DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S 2000 BUDGET**

### **Administration**

Accounting Fees	\$ 2,800
Telephone	\$ 1,500
Rent	\$ 9,800
Meetings	\$ 2,000
Salary	\$51,000
Benefits	\$ 2,600
Office Expenses	\$ 4,500
Office Equipment	\$ 1,500
Insurance (D&O+General)	\$ 2,300 (\$800+\$1,500)
Sub-Total	\$78,000
Plus Miscellaneous (5%)	\$ 4,000

**TOTAL ADMINISTRATION**

**\$ 82,000**

### **Proposed Special Events and Promotions and Estimated Costs**

Music in the City	\$ 8,000
Easter Program	\$ 4,000
Explore the Core	\$ 3,000
Major Core Event	\$25,000
Christmas In Gore Park	\$ 5,000
Other Events	\$ 5,000

**TOTAL SPECIAL EVENTS AND PROMOTIONS**

**\$ 50,000**

**SUB-TOTAL**

**\$132,000**

**Plus GST (3.5%)**

**\$ 3,000**

**TOTAL B.I.A.BUDGET**

**\$135,000**



Ottawa Street Business Improvement Area (B.I.A)  
Proposed Budget and Schedule of Payment for :

Appendix "E" referred to  
in Section 4 of Report  
04-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held February 23, 2000.

## 2000 BUDGET

### EXPENSES

Insurance \$ 1,000

Meeting Expenses \$ 400

Office Expenses \$ 1,500

\*This includes Commercial Development Plan Implementation

Rent \$ 1,200

Professional Services \$14,900

\*Page By Page Consulting – Office Work and Program Implementation \$4,000

\*Business Owners Development Institute - Advertising Coordination \$2,500

\*Padgett Business Services - Bookkeeping \$1,200

\*Streetfest Coordinator \$3,000

\*Amity -Employment Services- Street cleaning, windows, snow removal \$1,200

\*Sheprott Security Services- 30 nights (TBD) \$3,000

Special Events \$13,000

Streetfest- All logistics excluding Coordination and Advertising \$12,000

Christmas – Carolers, Santa, Candy Canes, Free Parking \$ 1,000

Beautification and Parking \$ 12,050

Flower Planter Maintenance \$ 1,200

Decorative Banners installation 3 times a year \$ 1,850

Decorative Lighting hydro for 3 months (\$600/month) \$ 1,800

Decorative Lighting Program \$ 6,000

Parking Tokens \$ 1,200

Advertising \$20,000

\*Monthly Radio Campaign

\*Full page newspaper advertisements



**Ottawa Street Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00045)**

\*Monies available to augment individual merchant advertisements

\*Live remote with radio station

	<b>TOTAL</b>	<b>\$62,850.00</b>
Balance carried forward from 1999		<b>\$10,000.00</b>
<b>Total BIA Levies</b>		<b>\$54,050.00</b>

\*G.I.C. To cover rebates on tax assessments if required

**PLEASE NOTE THE FOLLOWING:**

**To All BIA Board Members:**

All Comments, suggestion, changes need to be submitted by Monday, December 20, 1999.

\*Last year's budget was \$34,945 plus \$20,000 carried forward from the Jockey Club

\*This proposed budget is \$52,850

\*The amount of the GIC will be determined on Monday.

Please call me at  
335-0997

Patty



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 2000 February 16

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
238 BELMONT AVENUE - Tag Number 00 141406  
(00.1.1.A) (PDC00045)

**RECOMMENDATION:**



That the Building Commissioner be authorized to issue a demolition permit for 238 Belmont Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** D (Map E-43)

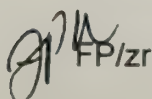
**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and erect a new single family dwelling. A building permit application has been submitted to replace the dwelling and is currently under review by this Department. This property is located in the Crown Point West Neighbourhood and is located in Ward 3. (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 9.14mx 30.48m.

The owner of the property as per the demolition permit is:

Santino Electric  
16 Community Avenue  
Stoney Creek, Ontario L8E 2X9

 FP/zr



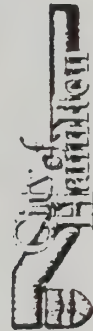
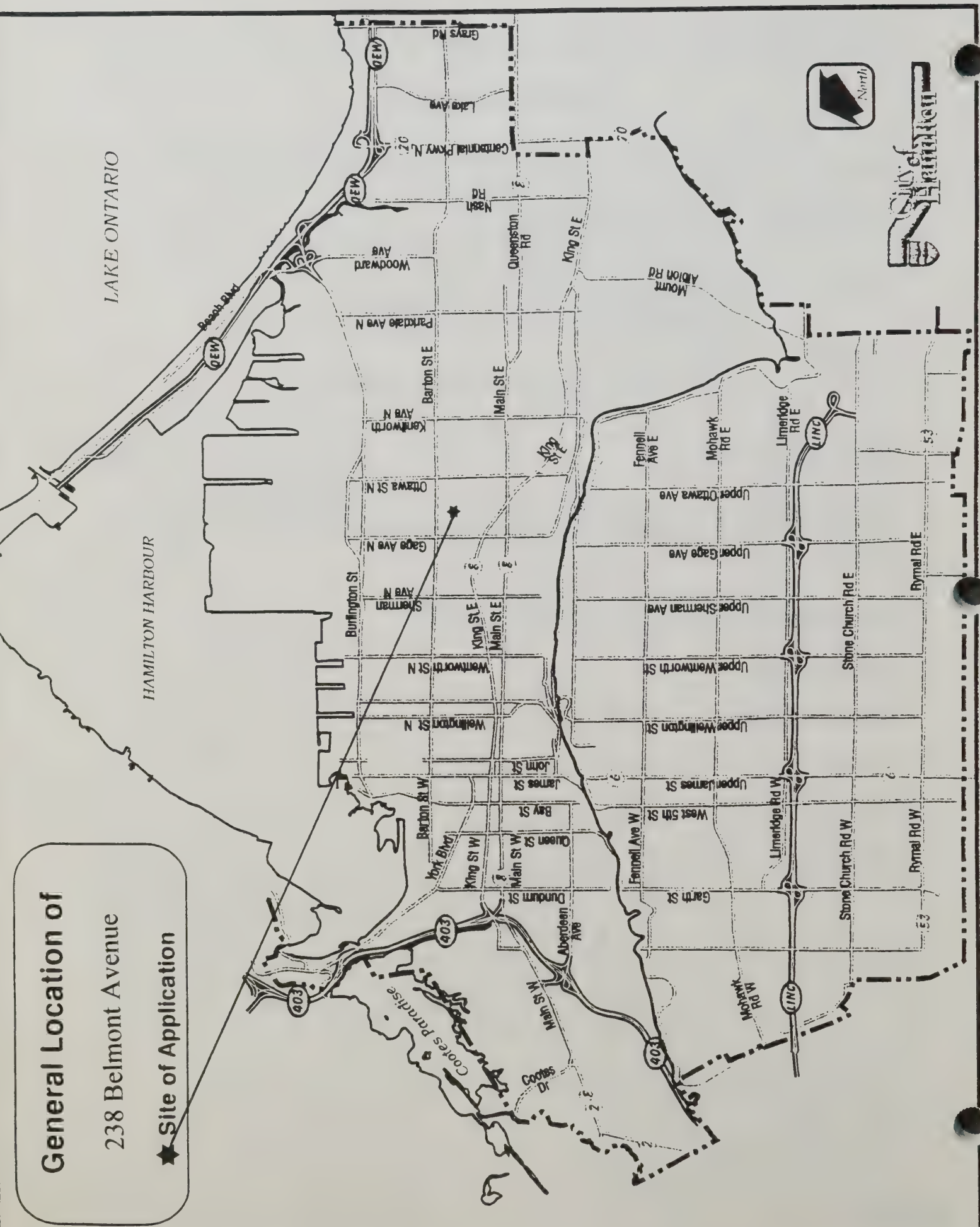
# General Location of

238 Belmont Avenue

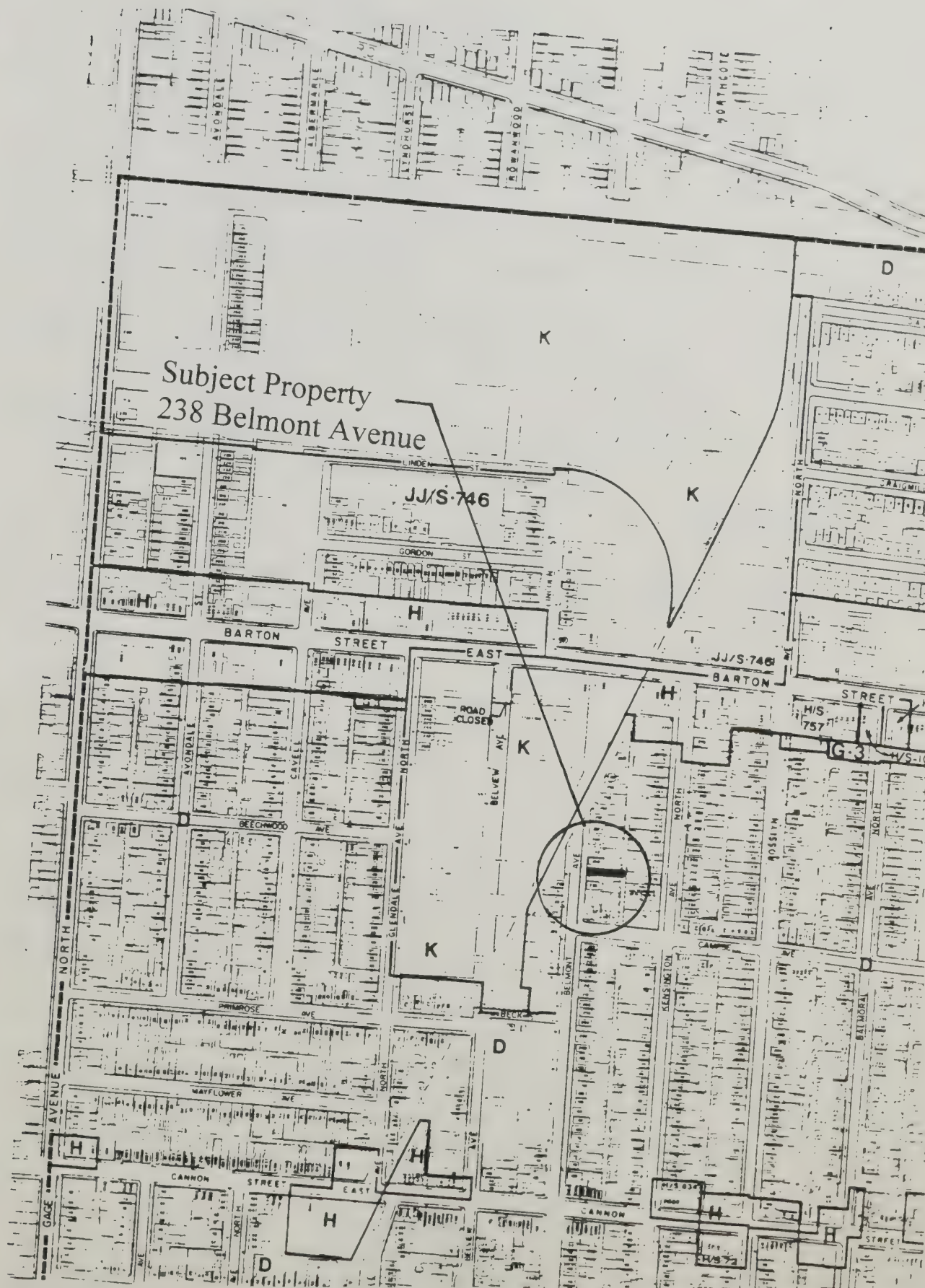
★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR













4.2

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 2000 February 16

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
21 ST. OLGA STREET - Tag Number 00 141539  
(00.1.1.A) (PDC00046)

**RECOMMENDATION:**



That the Building Commissioner be authorized to issue a demolition permit for 21 St. Olga Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C (Map E-32)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Vacant Playground

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing 2 storey brick veneer single family dwelling and to leave the lands vacant for a playground accessory to the church located to the north of this property. Please note that this Department has received a petition dated January 11, 2000 from the parishioners of the Holy Spirit Church asking the City to refrain from approving the demolition of this dwelling as they wish to move a junior priest and his family into one of the two dwellings to be demolished (please see attached). This property is located in the Stipeley Neighbourhood and is located in Ward 3. (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 7.62m x 30.18m.



The owner of the property as per the demolition permit is:

Holy Spirit Church  
15 St. Olga Street  
Hamilton, Ontario L8L 6R3

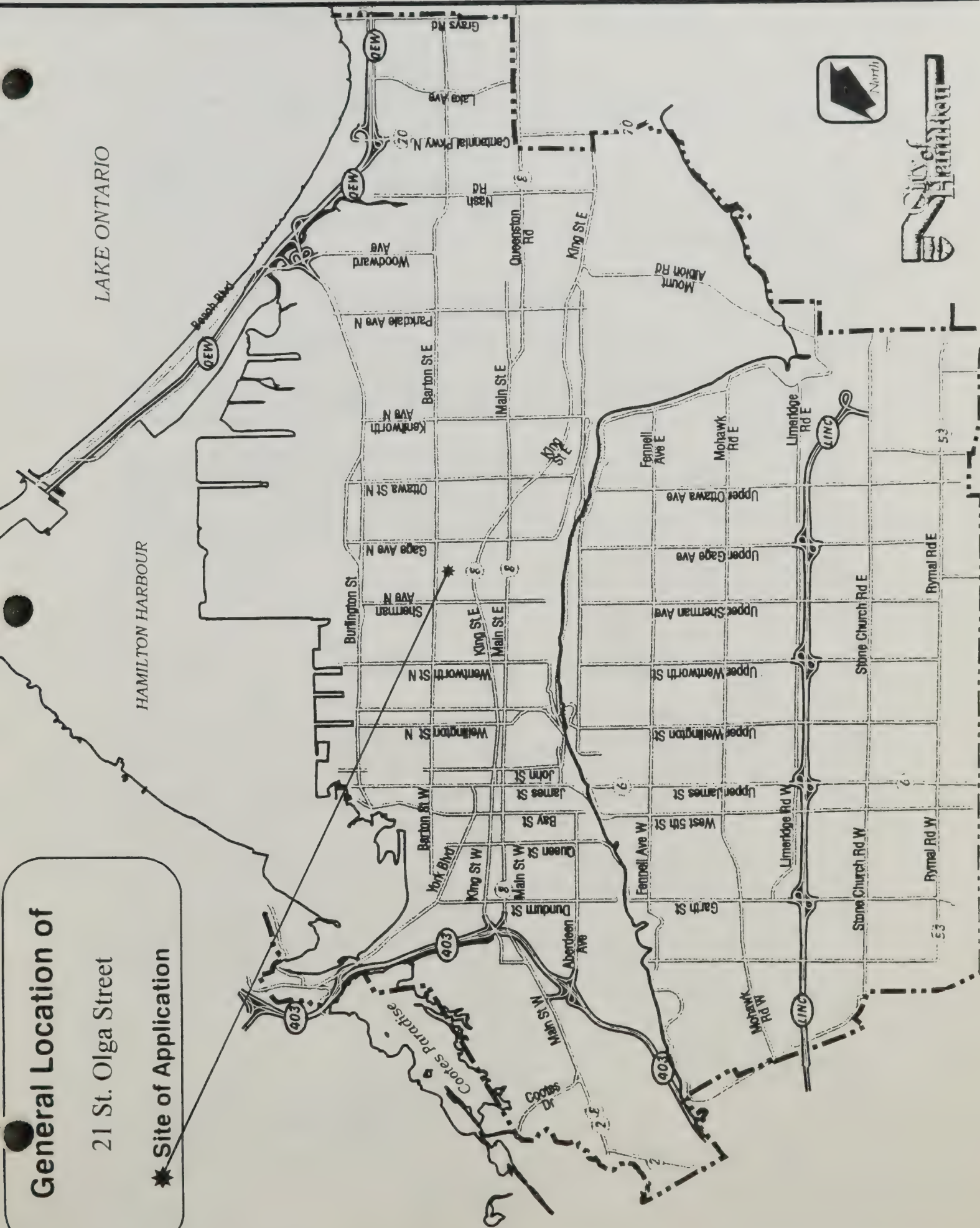
*MEP/zr*



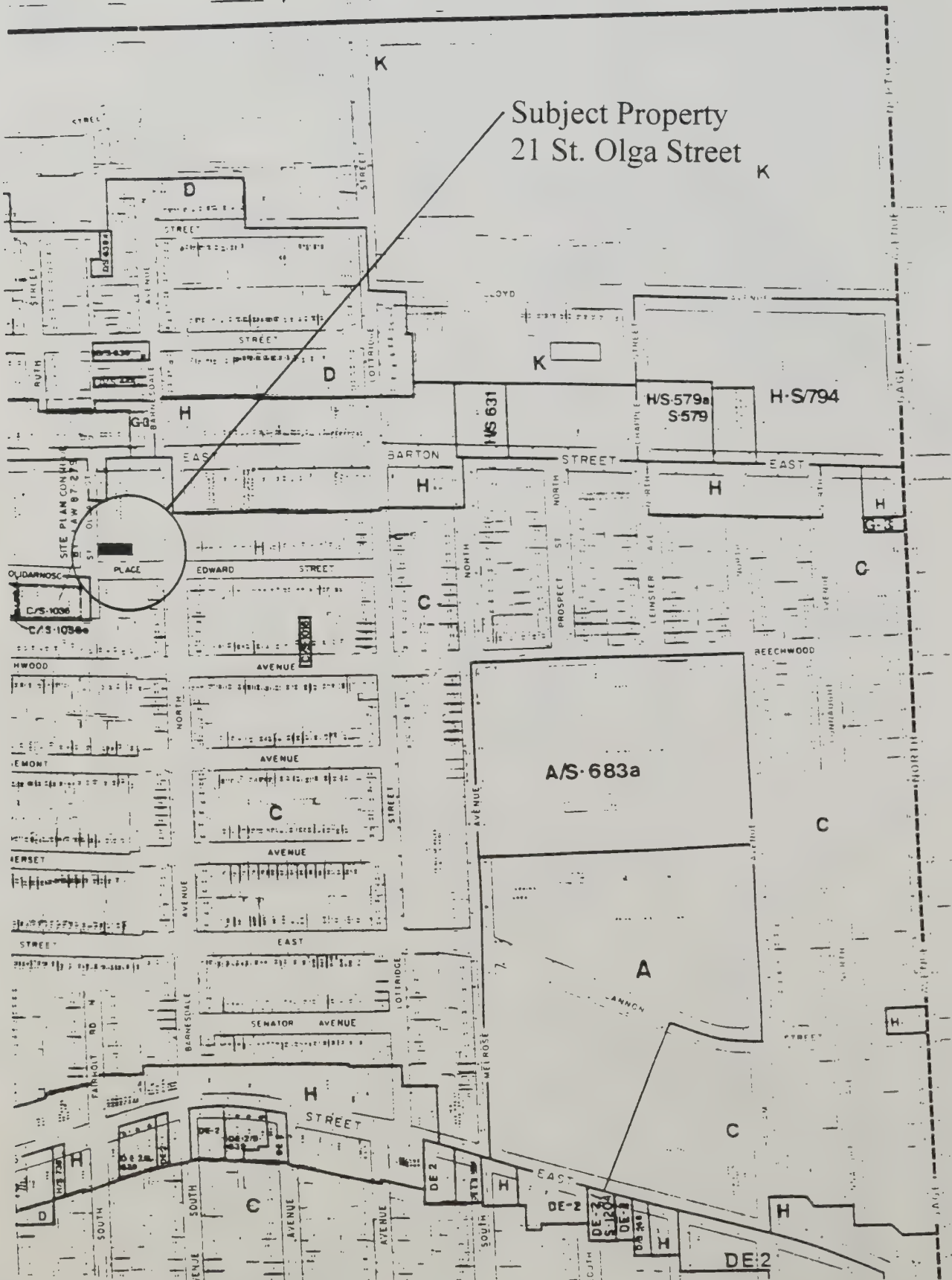
# General Location of

21 St. Olga Street

★ Site of Application







Subject Property  
21 St. Olga Street K



page 1

January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Sirs:

Re: 21 and 23 St. Olga Street, Hamilton

We are writing to you on behalf of the parishioners of Holy Spirit Church.

Our church owns two houses municipally known as 21 and 23 St. Olga Street, Hamilton, and it is our understanding that the City of Hamilton may be receiving an Application to demolish these two properties.

We would ask that the City refrain from granting such demolition permits as these two properties are in fairly good condition, and we wish to repair these houses in order to move our junior priest, Wiktor Nazarczuk, and his family into one of them.

Should you have any questions, kindly contact Mrs. Halchuk at 522-3001 or Ann DiCesare at 385-2092.

Thank you.

Yours very truly,

Ann DiCesare

Name of Person

Address

Phone Number

23

Roua Halchuk	54 West Ave	522-0001
Naris Adamczuk	183 Iowa Ave	529-9139
Mary Iekatch	184 Rifle Range Rd.	522-1542
Olga Kucsko	131 GARDSDALE AVE	545-2248
A. Slatuk	120 BROADSDALE AVE	545-0670
A. DiCesare	382 W 5TH ST	385-2092
H. Seligursky	70 Gogo	549-7886
M. Rekrut	270 Balmoral	545-7849
Katerin Wolos	161 Komat	546-
A. Wolowansky	72 Guilvine dr.	560-0951

pages 1- to 6  
contain 85 signatures  
Copies to Alderman Gene Morley  
and Dennis Haring

10



Page 2

January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Sirs:

Re: 21 and 23 St. Olga Street, Hamilton

We are writing to you on behalf of the parishioners of Holy Spirit Church.

Our church owns two houses municipally known as 21 and 23 St. Olga Street, Hamilton, and it is our understanding that the City of Hamilton may be receiving an Application to demolish these two properties.

We would ask that the City refrain from granting such demolition permits as these two properties are in fairly good condition, and we wish to repair these houses in order to move our junior priest, Wiktor Nazarczuk, and his family into one of them.

Should you have any questions, kindly contact Mrs. Halchuk at 522-3001 or Ann DiCesare at 385-2092.

Thank you.

Yours very truly,

<u>Name of Person</u>	<u>Address</u>	<u>Phone Number</u>	10
Onactazin Yuck	4 Bellamy Rd.	561-6652	
Maria Laska			
J. Wolosinski	72 Dunbar	5600956	
R. Koptko	163 Bendamere	389-9005	
P. Gheorghe	24 GIBSON	545 0022	
Fero Plesch	108 Berwick	545 1111	
P. Koptko	52. Connaught St.		
Helen Laskabala	102 LONDON ST. S.		
A. Koptko	28 Belview St.	545-3347	
Josif Jenkamyk			(see over)



January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Sirs:

Re: 21 and 23 St. Olga Street, Hamilton

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Thank you.

Yours very truly,

18

<u>Name of Person</u>	<u>Address</u>	<u>Phone Number</u>
Petrina Bajus	194 Gage Ave S.	549-4958
Матей Бірчанська		545-0981
А. Сомока		
Е. Сомока		528-1035
О. Хмарук		
Анна Хмарук		385-0434
Е. Ступак		383-7818
Петро Готко		547-6060
Д. Дмитруськів		
І. Богданчук		
І. Богданчук		

Богданчук 55 KIMBERLY DR HAM. 544-4618

Ковали 113 Kensington Ave

П. Ломован 544-4820

Меліа Байус

Stephanie Haden

Joseph Haden

П. Рубішак



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Thank you.

Yours very truly,

24

Name of Person	Address	Phone Number
Sabina Duchno	67 Glendale	312 8672
Ewa Jozim		
G. Jozim	30 MALL 109	389 1304
P. Parzynski	194 Cliff	544-022
J. Handzick	2673 King St. E. Apt. 311	
W. Jozim	WASYLYNA	389-8409
E. Kucharsky	102 LONDON ST. S.	549-2783
K. Golan	6 Greeningdon Dr	575-0221
B. Radziwon	44 Garfield S.	549-6502
J. Szpak	30 MALL APT 602	388-5083
G. E. Jozim	30 MALL 109	389 1304

H. B. B. - 664-5146

A. Bodnarek 662-3685

Tobiasz Duma Lepka 662-4165

Lepka Duma 662-4165

J. Galayko 560.8903

J. Szpak 388-5083

J. Maryn 544 9797

PI. HADZICKA 664-5146

A. Dymko 547 3933

A. G. 522 0428

E. J. 5451227

T. 560-7051

H. Beresink.



Page 5

January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Sirs:

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Thank you.

Yours very truly,

15

A. Gogolac  
A. Kotowych 54 55455  
L. Smyttuszko  
Krenyos

M. Lazap

T. Rybak

L. Dmytrach

M. Lazap

D. Repuska

B. Carogaz

A. Demurszewski

J. Gaber

Balan

6 GREENINGDON DRIVE  
31-51 CAROGA COURT

675-0221  
574-2336

C. Hozinski  
A. Hozinski



page 6

January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

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Thank you.

Yours very truly,

Name of Person

Address

Phone Number

23

Row Halchuk 54 West Ave	522-0001
Paris Adamowski 183 Dana Ave	529-9139

Philip Andrew 561-5815

St. Lazar

D. Stefan Zazula  
S. LAHOTSKA

M. [Signature]

I Depesbaker,

W. Saduony

N. Saduony

545-8591

389-4796



CITY OF HAMILTON  
- RECOMMENDATION -

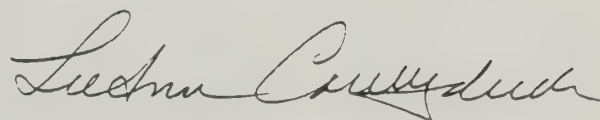
DATE: 2000 February 16

REPORT TO: Chairman and Members  
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

SUBJECT: Demolition of:  
23 ST. OLGA STREET - Tag Number 00 1415  
(00.1.1.A) (PDC00047)

RECOMMENDATION:



That the Building Commissioner be authorized to issue a demolition permit for 23 St. Olga Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-32)

PRESENT USE: Single Family Dwelling


PROPOSED USE: Vacant Playground

BRIEF DESCRIPTION: The owner proposes to demolish the existing 2 storey brick veneer single family dwelling and to leave the lands for a playground accessory to the church located to the north of this property. Please note that this Department has received a petition dated January 11, 2000 from the parishioners of the Holy Spirit Church asking the City to refrain from approving the demolition of this dwelling as they wish to move a junior priest and his family into one of the two dwellings to be demolished (please see attached). This property is located in the Stipeley Neighbourhood and is located in veneer single family dwelling and to leave the lands vacant for a playground accessory to Ward 3. (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 7.62m x 30.18m.



The owner of the property as per the demolition permit is:

Holy Spirit Church  
15 St. Olga Street  
Hamilton, Ontario L8L 6R3

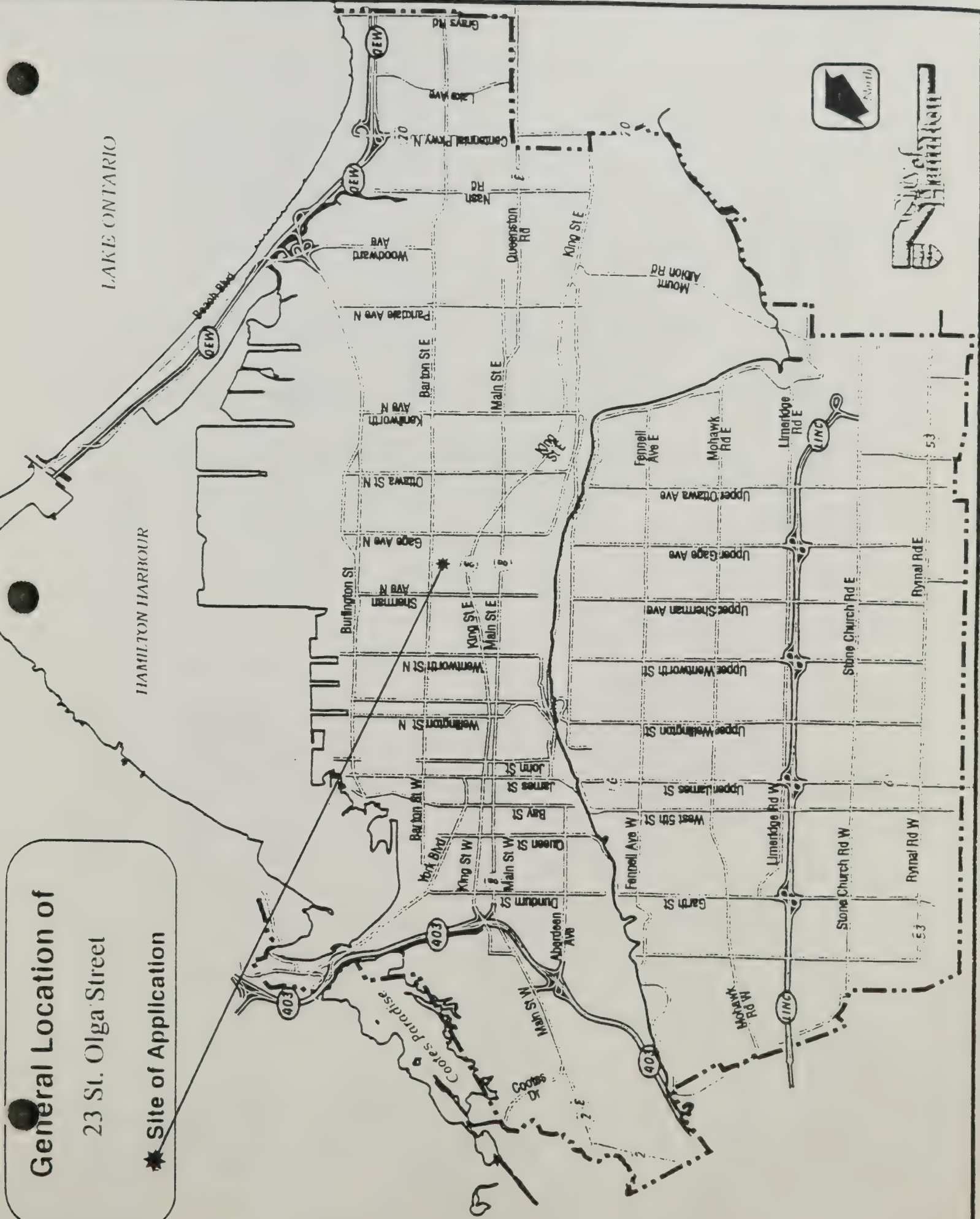
 FP/zr



# General Location of

23 St. Olga Street

★ Site of Application





K



page 1

January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Sirs:

Re: 21 and 23 St. Olga Street, Hamilton

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Should you have any questions, kindly contact Mrs. Halchuk at 522-3001 or Ann DiCesare at 385-2092.

Thank you.

Yours very truly,

Ann DiCesare

Name of Person

Address

Phone Number

Roula Halchuk	54 West Avn	522-0001
Varis Adamczyk	183 Sand Ave	529-9139
Mary Jekatch	184 Rifle Range Rd.	522-1542
Olga Wozniak	131 GARDEN AVE	545-2248
A. Slatuk	120 BRANFORD AVE	545-0670
A. DiCesare	382 W 5TH ST	385-2092
H. Grynysky	71 Gogo	549-7886
M. Rebut	270 Balmala	545-7549
Katerin Wolos	661 Komat	546-
A. Woloswsky	72 Gilmire dr.	560-0951

page 1 - to 6  
contain 55 signatures

copy to all members of the Holy Spirit Church,  
etc. (names) (names)

10



Page 2

January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
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Hamilton, ON L8P 4Y5

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<u>Name of Person</u>	<u>Address</u>	<u>Phone Number</u>	10
ANASTAZIA YUK	4 Bellamy Rd.	561-6652	
MARIA LUKKO			
G. Wolewinski	72 Sunrise	5600951	
B. Koptko	163 Bendamere	389-9005	
P. Gheorghe	24 GIBSON	545 0022	
TOTO Blish	108 Beccaningham	111	
P. Haseck	52. Cannought St.		
Haji Kuchaboly	102 LONDON ST. S.		
A. Britton	28 Belview St.	Ann 545-3347	
Josif Senkanych			(see over)



January 11, 2000

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3<sup>rd</sup> Floor  
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Petrina Bajis	194 Gage Ave S.	549-4958
Наталія Білашанська	5640 Rd	545-0981
Т. Сомаро		598-1035
О. Шинько		
Анна Шерек		385-0434
С. Шинько		383-7818
Петро Готко		547-6060
Д. Дмитренко		
В. Шинько		
В. Шинько		

Т. Богданчук	55 KIMBERLY DR HAM.	544-4618
Керолін	113 Kensington Dr	
О. Романчук		544-4820
Олена Байс		
Керолін Байс		
Роберт Байс		



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Sabina Duchno	67 Glendale	312 8672
Ewa Jozim		
G. Jozim	30 MALL 109	389 1304
P. Parling	144 Cnr	544-022
J. Handrick	2673 King St. E. Apt. 311	
M. Woj	WASYLEWA	389-8409
E. Kucharski	102 LONDON ST. S.	549-2783
K. Jozim	6 Greeningdon Dr	525-0221
B. Radziwon	44 Garfield St.	549-6502
J. Jozim	30 MALL APT 602	388-5083
G. E. Jozim	30 MALL 109	389 1304

H. B. - 664-5146

A. Bodniewicz 662-3685

Stefan: Anna Lepka 662-4165

Lepka Anna 662-4165

J. Galay 560.8903

A. G. 385-5083

J. Skrzyp 544 9797

M. HADZICHRA 664-5146

A. G. 547 3933

C. G. 522 0428

E. J. 545 1827

T. Sobczak 560-7051

H. Beresicki



Page 5

January 11, 2000

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Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

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Thank you.

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A. Gogolac  
A. Kotowych 54 55 455  
Z. Smytuszko  
Krenyos  
M. Mazur  
T. Rybak  
L. Dmytrach  
M. Mazur  
D. Repuska  
P. Casagax  
A. Demurpeyuko  
J. Gaber  
Kalan

6 GREENINGDON DRIVE  
31-51 CAROGA COURT

575-0221  
574-2336

C. Hozinski  
A. Hozinski



*Page 6*

January 11, 2000

The City of Hamilton  
Building Department  
3<sup>rd</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

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<u>Name of Person</u>	<u>Address</u>	<u>Phone Number</u>	
Roula Halchuk	54 West Ave	522-0001	
Ann DiCesare	183 St. Olga St	529-9139	23

*Cheryl Anderson* 561-5815

*at Laura*  
*D. Stefan Zarzula*  
*S. LAHOTSKA*  
*M. [Signature]*

*I Depebecke,*  
*W. Saduony,*  
*N. Saduony*

*545-8591,*  
*389 4796*



4.4

# CITY OF HAMILTON

## - RECOMMENDATION -

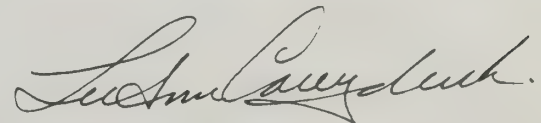
**DATE:** 2000 February 16

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
100 QUIGLEY ROAD, Unit 54, Section H-7 - Tag Number 00 141559  
(00.1.1.A) (PDC00048)

### RECOMMENDATION:



That the Building Commissioner be authorized to issue a demolition permit for 100 Quigley Road, Unit 54 in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

### BACKGROUND:

**PRESENT ZONING:** RT-20/S-327 (Map E-97)

**PRESENT USE:** Single Family Townhouse Unit

**PROPOSED USE:** Vacant

**BRIEF DESCRIPTION:** The owner proposes to demolish the 2 storey end unit of this six (6) unit townhouse. This existing unit has structural damage and is in a slow state of collapse as a result of soil erosion. This property is located in the Vincent Neighbourhood and is located in Ward 5. (please see attached neighbourhood map and city overview map). No LACAC interest.

The owner of the property as per the demolition permit is:

Wentworth Condominium Corporation  
c/o Accurel Management  
660 Main Street East  
Hamilton, Ontario L8M 1J8

 FP/zr



# General Location of

100 Quigley, Unit 54

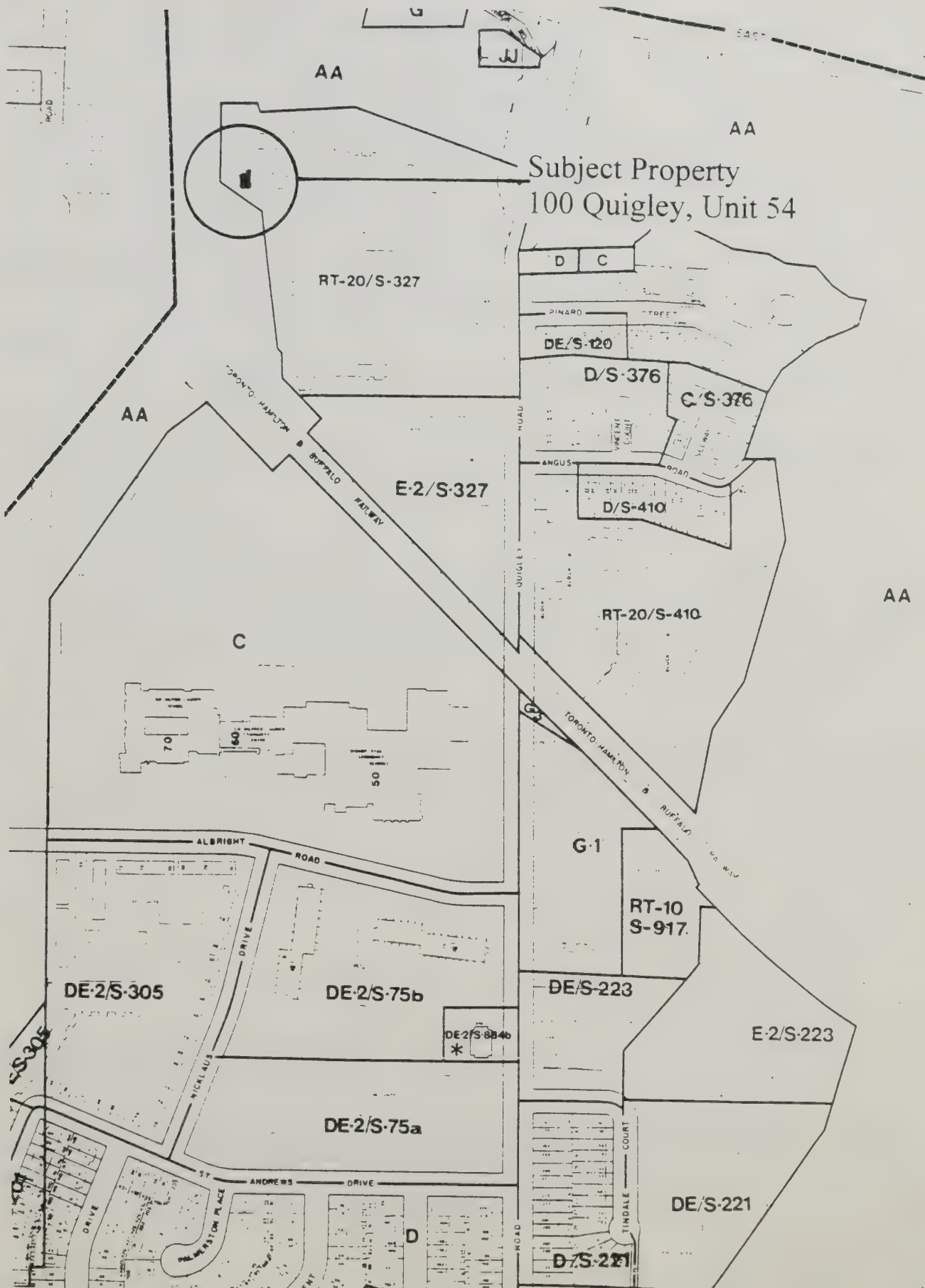
★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR







Subject Property  
100 Quigley, Unit 54

AA

AA

RT-20/S-327

D C

DE/S-120

D/S-376

C/S-376

ANGUS

D/S-410

E-2/S-327

AA

AA

C

RT-20/S-410

G-1

RT-10  
S-917

DE-2/S-305

DE-2/S-75b

DE/S-223

E-2/S-223

DE-2/S-884b  
\*

DE-2/S-75a

DE/S-221

D/S-221

D







4.5

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 21 February, 2000  
(PLC-99-06)  
Jerome Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** LeeAnn Coveyduck  
General Manager, Community Planning and Development Division

**SUBJECT:** Request for Validation Certificate for Lots 58-60, inclusive,  
Registered Plan 62M-872 "Effort Gardens, Phase 1" (PDC00030)

**RECOMMENDATION:**

- A. That approval be given to the request for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 58 – 60, inclusive, located in "Effort Gardens, Phase 1", Registered Plan 62M-872, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "A"; and,
- B. That the Corporate Counsel be directed and authorized to prepare a by-law to legalize the creation of maintenance easements for Lots 58 – 60, inclusive, Registered Plan 62M-872 "Effort Gardens, Phase 1".



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council may pass a by-law to recognize the creation of maintenance easements for zero-lot line single family dwellings within a registered plan of subdivision where said easements were created and the lots conveyed prior to the passage of a by-law to exempt the subject lands from part lot control.



## **BACKGROUND:**

### Part Lot Control Application 99-06

City Council, at its meeting of July 6, 1999, approved Part Lot Control Application 99-06. The purpose of the application was to create maintenance easements for Lots 1 – 16, inclusive, Lots 23 – 28, inclusive, Lots 34 – 42, inclusive, Lots 57 – 68, inclusive, Lots 91 – 117, inclusive, and Block 121, located in "Effort Gardens, Phase 1", Registered Plan 62M-872. The maintenance easements were required for the zero-lot line single family dwellings in accordance with the provisions of the "R-4" District and the City of Hamilton subdivision agreement. However, several lots were conveyed prior to the passage of the implementing part lot control by-law (By-law No. 99-102). As such, the maintenance easements, although shown on the reference plan and described in the deeds for the subject lands, were not properly created. As such, the applicant has requested a validation certificate, pursuant to Section 57 of the Planning Act to "legalize" these property transactions.

### Location

The "Effort Gardens, Phase 1" subdivision is located north of Stone Church Road East, east of Upper James Street and south of Chipman Avenue and fronts onto Theodore Drive, Bridgette Drive and Benjamin Drive, in the Jerome Neighbourhood (see Appendix "A").

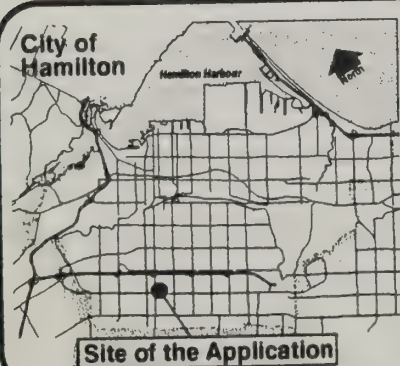
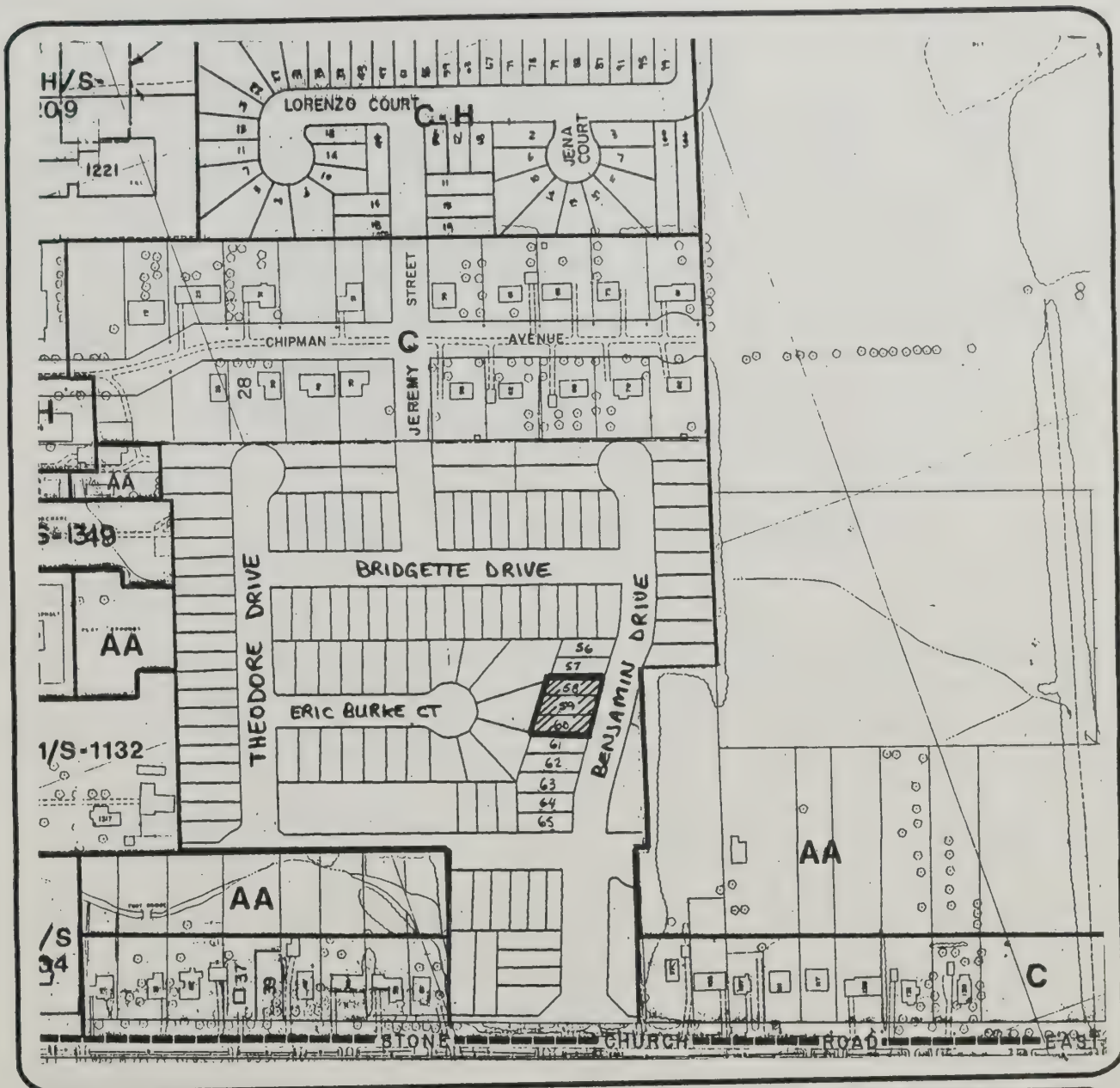
## **COMMENTS:**

1. The Planning Act provides for the issuance of a Validation Certificate whereby the property transactions are "legalized" provided that said transactions comply with the Official Plan and Zoning By-law.
2. The request conforms with the Official Plan and the applicable provisions of the City of Hamilton Zoning By-law No. 6593.
3. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

## **CONCLUSION:**

Based on the foregoing, the request for a Validation Certificate can be supported.






COMMUNITY PLANNING AND DEVELOPMENT DIVISION

# Location Map

## Legend

 Subject Lands

Reference file:  
**PLC-99-06**  
 Scale  
**Not to Scale**  
 Date  
**JAN, 2000**  
 Technician:  
**D.L.**

**Appendix 'A'**







4.6

# CITY OF HAMILTON

## RECOMMENDATION

**DATE:** February 21, 2000

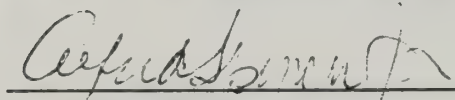
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Dr. Elizabeth Richardson  
Acting General Manager and  
Medical Officer of Health  
Social and Public Health Services Division

**SUBJECT:** Hamilton Emergency Loan Program (H.E.L.P.)  
25 Chatham Street, Hamilton (HSB00005)

### RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and eighty-four dollars (\$1,284) be approved for Joyce Brown, 25 Chatham Street. The interest rate will be 2 per cent amortized over 5 years.

  
\_\_\_\_\_  
Dr. Elizabeth Richardson

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of \$1,284 will be funded from the Hamilton Rehabilitation Assistance Program; the uncommitted balance of which is \$102,813.

### BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Program in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programs. A maximum loan of \$2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

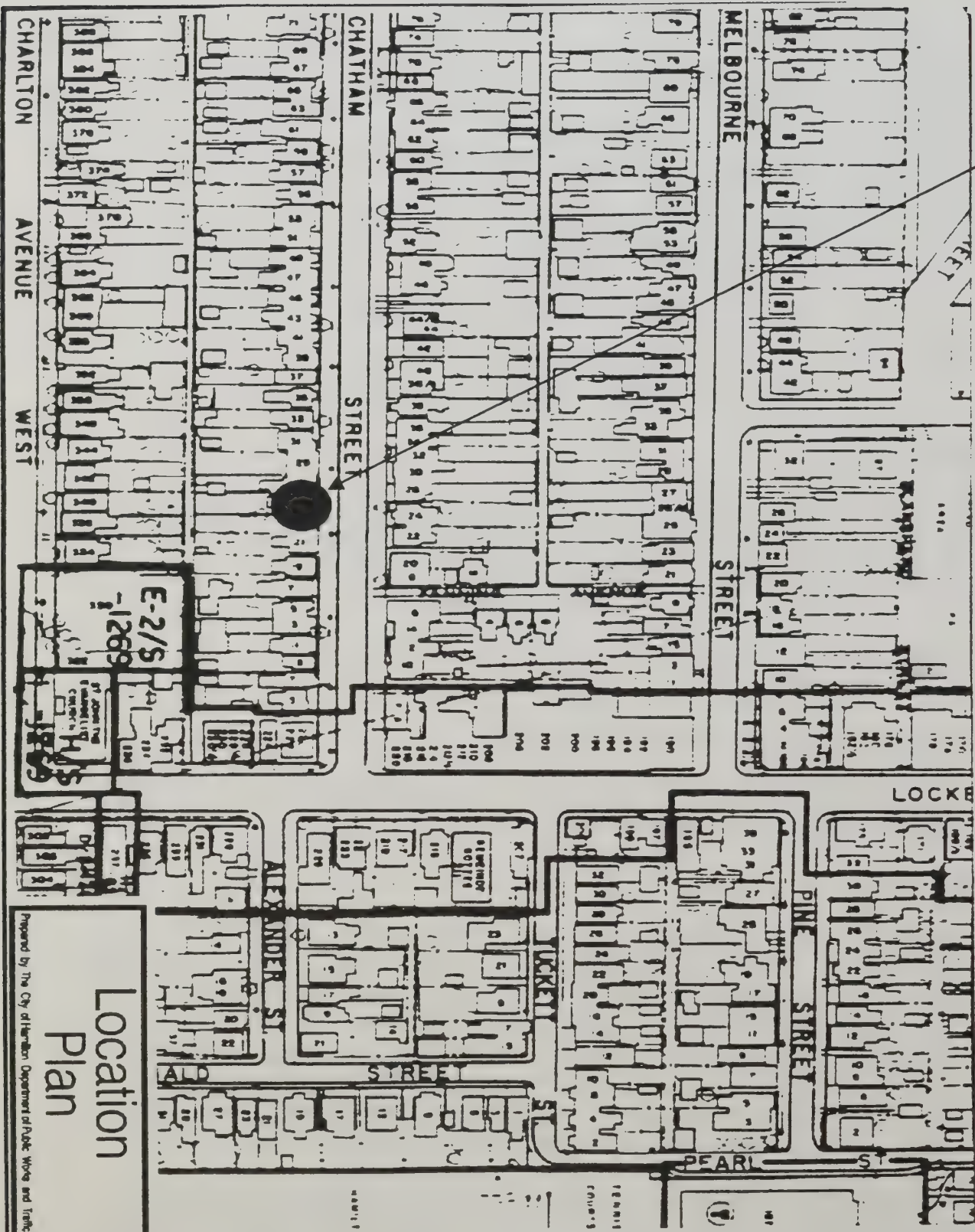
The Social and Public Health Services Division, Housing and Shelter Branch, recently finalized an Emergency Loan for Joyce Brown, 25 Chatham Street, in the amount of \$1,284. The soffit, fascia and downspout have been replaced and staff recommends approval in the amount of \$1,284 at 2% interest and amortized over five (5) years.

ER/MM/dk

c.c. R. Camani, Finance Department

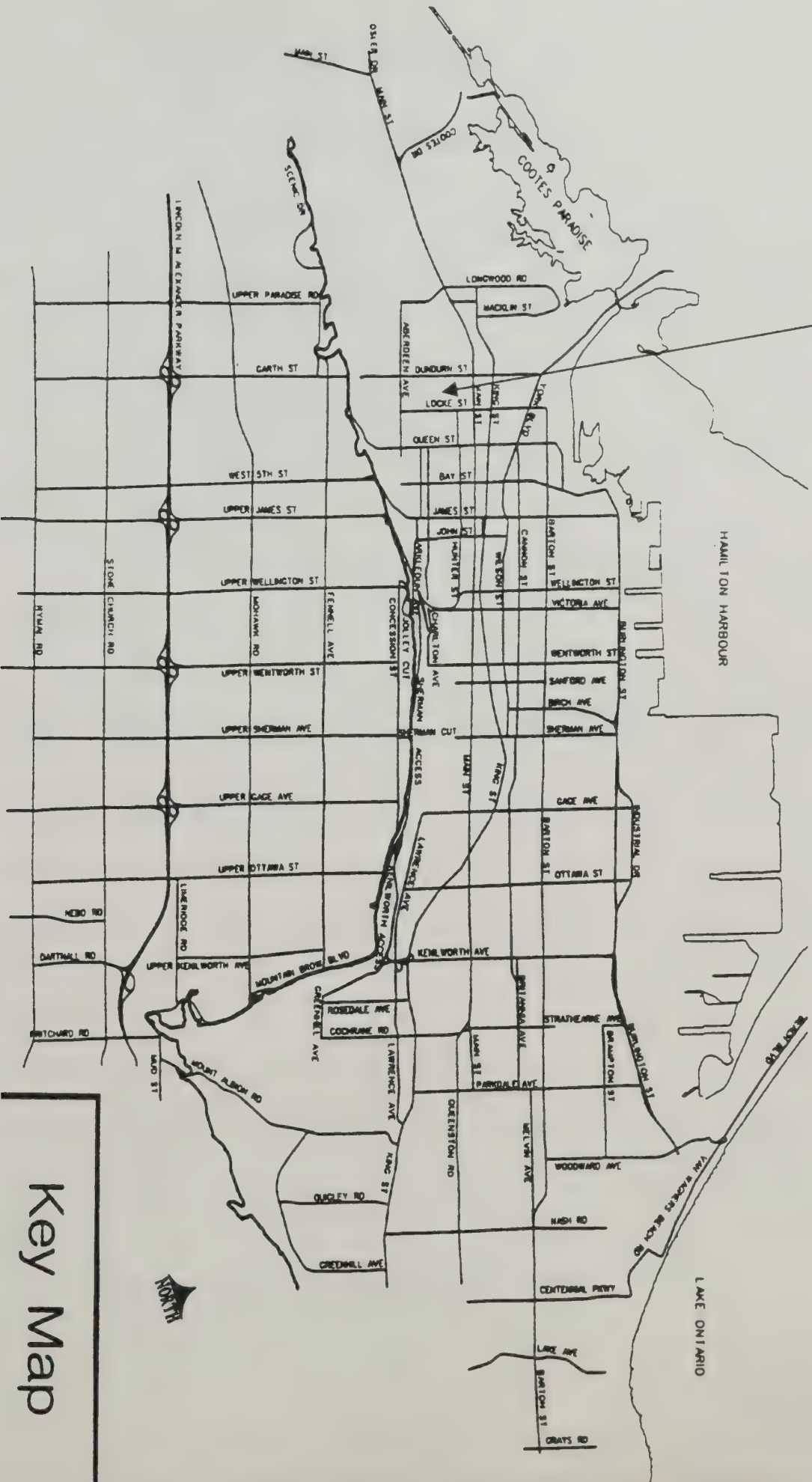


25 Chatham Street, Hamilton HSB00005





Approximate location of 25 Chatham Street,  
Hamilton  
HSB00005



Key Map







CITY OF HAMILTON

4.7

RECOMMENDATION

**DATE:** February 21, 2000

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Dr. Elizabeth Richardson  
Acting General Manager and  
Medical Officer of Health  
Social and Public Health Services Division

**SUBJECT:** Core Heritage 2000 Program  
Grant Increase  
34-36 Hess Street South, Hamilton (HSB00006)

**RECOMMENDATION:**

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of nine thousand, four hundred and fifty-five dollars (\$9,455) to Intrilectual Investments Inc., registered owner of 34-36 Hess Street South, be approved.

  
Dr. Elizabeth Richardson

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The grant increase of \$9,455 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$231,486.

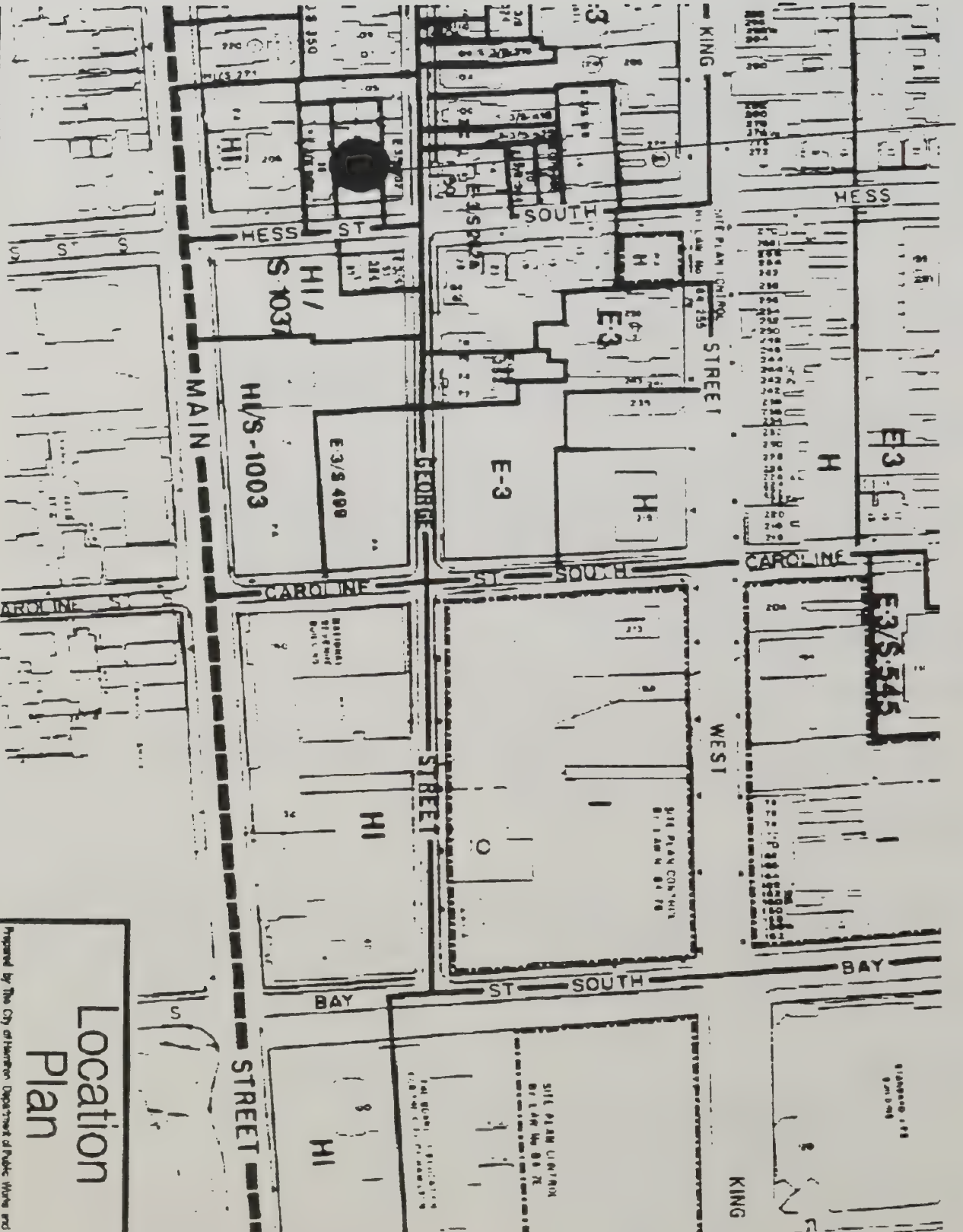
**BACKGROUND:**

City Council at its meeting held April 27, 1999 approved a grant application under the subject program in the amount of \$12,242. The owner has since met the criteria for additional work costing \$9,455 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased from \$12,242 to \$21,697.

ER/MM/dk

cc Ray Camani, Finance Department





# Location Plan

Prepared by The City of Hamilton Department of Public Works and



Approximate location of 34-36 Hess Street South, Hamilton  
HSB00006



Key Map







**CITY OF HAMILTON****- RECOMMENDATION -**

**DATE:** 2000 February 11  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** International Village Business Improvement Area (B.I.A.)  
Revised Board of Management (PWT00049)

**RECOMMENDATION:**

That the following individual be appointed to the International Village B.I.A.'s Board of Management:

John Kenyon Jr.

222 King Street East (Payne Music)

*Charles Guthro*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The International Village B.I.A.'s Board of Management recently accepted resignations from Paul Kircos, Marie Petrou and Dean Taylor. The reasons for the resignations varied from no longer owning business or property in the area to not being able to attend Board meetings due to time constraints. John Kenyon Junior has been nominated by the owner of Payne Music located at 222 King Street East as his representative on the International Village B.I.A.'s Board of Management. The B.I.A.'s constitution dictates that the Board of Management will consist of a maximum of 15 members with no fewer than 5 members (not including the Ward Aldermen). The



**International Village Business Improvement Area (B.I.A.)  
Revised Board of Management (PWT00049)**

appointment of John Kenyon Jr. brings the total Board of Management members to 5.  
The B.I.A. is considering the addition of new members to its Board of Management.

R.c.c. M. Pocius, Executive Director, International Village B.I.A.  
A. Horwath, Ward Two



4.9

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 February 17  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Barton Village Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000  
(PWT00054)

### RECOMMENDATION:

- a) That the 2000 operating budget for the Barton Village B.I.A. (attached as Appendix 'A') be approved in the amount of \$33,345; and,
- b) That the 2000 levy portion of the operating budget for the Barton Village B.I.A. be approved in the amount of \$27,550; and,
- c) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (b) above; and,
- d) That the following schedule of payments for 2000 be approved:

March	\$13,775.00
June	\$ 6,887.50
September	\$ 6,887.50

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

*Charles Guthro*



**Barton Village Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00054)**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The \$33,345 operating budget for the Barton Village B.I.A. is derived through levying its members \$27,550, reserves in the amount of \$5,295 from the B.I.A.'s 1999 levy and \$500 that the B.I.A. will earn through interest. There is no cost to the City of Hamilton for any part of this operating budget.

**BACKGROUND:**

The Barton Village B.I.A.'s Board of Management at its meeting held February 8<sup>th</sup>, 2000 approved its proposed 2000 operating budget in the amount of \$33,345. The B.I.A. held its Annual General Meeting on February 15<sup>th</sup>, 2000 for the purpose of presenting the proposed budget for consideration by its general membership as well as reviewing accomplishments of the B.I.A. in 1999. In accordance with The Municipal Act, R.S.O. 1990, the proposed budget is being forwarded to City Council for approval.

c.c. Alderman B. Morelli, Alderman Ward 3  
Alderman A. Horwath, Alderman Ward 2  
Dimitri Boukhers, Chairman, Barton Village B.I.A.  
A. Ross, General Manager, Finance Department  
Attn: A. Apkarian, Supervisor of Tax Administration/Banking



Barton Village Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT00054)

## APPENDIX 'A'

### BARTON VILLAGE BUSINESS IMPROVEMENT AREA'S (B.I.A.'S) 2000 BUDGET

<u>EXPENSES</u>	<u>AMOUNT</u>
Wages	\$10,000
Insurance (General and Director's)	\$ 1,700
B.I.A. Meetings	\$ 1,500
Audit Fee	\$ 350
Administration/Office Expense	\$ 1,720
Christmas Decoration Installation/ Removal/Storage	\$ 1,500
Special Events	\$ 3,200
Business Development & Consultant Fees	\$ 2,727
Advertising and Promotion	\$ 7,280
Contingency	\$ 800
Rent	\$ 2,568
<b>TOTAL BUDGET</b>	<b>\$33,345</b>

#### Revenue:

2000 Levy	<u>\$27,550</u>
Reserve from 1999	\$ 5,295
Interest	\$ 500







4.10

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** February 29, 2000

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Mary Lou Dickson, re: Petition on ZAC-99-04 1389 Upper James Street dated February 22, 2000
- (b) Acting Commissioner, Department of Public Works and Traffic re: Downtown BIA Revised Board of Management dated February 17, 2000

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

*T. Agnello*



(a)

DISTRIBUTED FOR INFORMATION  
TO MEMBERS OF PLANNING AND  
DEVELOPMENT COMMITTEE.

1428 Upper James Street  
Hamilton, Ontario  
L9B 1K3  
February 22, 2000

Rb24/2000 T. Agnelli  
DATE SIGNATURE  
cc. D.A. Lychock, City Manager.

Secretary,  
Planning and Development Committee,  
City of Hamilton

L.A. Carley duck, G.M. CPO.  
R. Roszell, Corporate Counsel.

Re: File No. ZAC-99-40 Address: 1389 Upper James Street Meeting February 23, 2000  
Application to change zoning in order to permit commercial development

Dear Sir:

Unfortunately, personal matters have made it impossible for me to attend the meeting in person and to present reasons why the application should be denied.

Enclosed are TWO petitions against approval of the application, which I was able to initiate recently. Please ensure that the petitions are considered at the meeting.

Sincerely,

Mary Lou Dickson

Mary Lou Dickson

OFFICE OF THE MUNICIPAL CLERK	
FEB 23 2000	
RECEIVED	DATE FEB 23
FILED	
BY	
INITIALS	
SIGNATURE	
DATE	
TIME	
LOCATION	
REMARKS	



## PETITION 1

February 20, 2000

Re: Meeting at City Hall Feb 23, 2000 to consider rezoning 1389 Upper James Street to permit commercial development FILE NO. ZAC -99-40

We the undersigned, as members of Barton Stone United Church, express regret that the property containing the Barton Community Centre at 1389 Upper James Street is being considered for rezoning to allow further restaurant and retail use on Upper James.

We urge the City to encourage any prospective owner of the property to use the existing building as part of the development. It was built by members of our community and is surely as substantial as any new structures already added to Upper James Street.

Use of the existing building would be consistent with statements contained in the Official Plan under 9 - Historical Resources.

### NAME

### ADDRESS

George Giles	21 Laurier Ave.
Chianne Hawes	55 Glen Rd. W.
Marlene Horning	138 Stone Church Rd. E.
Kieran C. Dutton	111 Stone Church Rd. E.
Jim Spring	46 Sister Ave.
Joan & Bob Harbress	148 Chesley St. Ham.
Barb Thelus	273 Chantbrook Dr.
Irish Donahue	18 Juanita Dr.
Dorothy Smith	75 Wendover Dr.
L. Delangen	55 Wendover
Bernice Bowerman	33 Kennell East apt 206
Elizabeth Berry	578 Clark Ave. Burlington
Charlotte Young	156 Rymal Rd. E. Hamilton
Catherine Morallee	86 Horning Dr. Hamilton



## PETITION 2

February 20, 2000

Re: Meeting at City Hall Feb 23, 2000 to consider rezoning 1389 Upper James Street to permit commercial development FILE NO. ZAC-99-40

We the undersigned, as members of Barton Stone United Church, wish to encourage the City of Hamilton and Municipality of Hamilton-Wentworth to retain a right of way from Upper James Street to the Wm. Bethune Park, in any plans for a change of zoning at 1389 Upper James. This would be in keeping with the Official Plan of 1994 which states (amongst many other things) under Quality of Life part 10 - Greenspace/Leisure Activities:

"Natural and active recreation areas will become part of an established Region-wide greenlands system, including links within urban areas and between the urban area and the rural countryside."

Let us maintain these traditional links.

NAME

ADDRESS

Ray Gibb	21 Laurier Ave.
Ray Newman	78 Dogon Dr. Hamilton
Tat Craig	886 West 5 <sup>th</sup> St.
Marlene Horning	138 Stone Church Rd E.
Gillian C. Dickson	111 Stone Church Rd. E.
Jane Dering	46 Sister Ave.
John Enys	117 Stone Church Rd.
Jane Eagles	117 Stone Church Rd. E.
Les & Nina Heinkeew	28 Mile Rd.
Joan & Bob Harkness	148 Chesley Sq. Ham
Barb Thomas	273 Cranbrook Dr.
Irish Korrallen	18 Juanita Dr.
Dorothy Smith	75 Wendover Dr.



## PETITION 2

February 20, 2000

Re: Meeting at City Hall Feb 23, 2000 to consider rezoning 1389 Upper James Street to permit commercial development FILE NO. ZAC-99-40

We the undersigned, as members of Barton Stone United Church, wish to encourage the City of Hamilton and Municipality of Hamilton-Wentworth to retain a right of way from Upper James Street to the Wm. Bethune Park, in any plans for a change of zoning at 1389 Upper James. This would be in keeping with the Official Plan of 1994 which states (amongst many other things) under Quality of Life part 10 - Greenspace/Leisure Activities:

"Natural and active recreation areas will become part of an established Region-wide greenlands system, including links within urban areas and between the urban area and the rural countryside."

Let us maintain these traditional links.

### NAME

### ADDRESS

L. DeLangen

B. Bouwman

B. Berry

L. if any

C. Maralhee

55 Menzies Dr.

33 Lennell East apt 206

578 Clark Ave, Burlington

156 Rymal Rd. E Hamilton

86 Horning Cr. Hamilton



(b)

# CITY OF HAMILTON

## - INFORMATION -

**DATE:** 2000 February 17  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Downtown Hamilton Business Improvement Area (B.I.A.)  
Revised Board of Management (PWT00055)

### BACKGROUND:

The Downtown Hamilton B.I.A. has recently accepted the resignation of one of its Board of Management members, namely:

K. Findlay, K. D. Findlay Clothier

The Municipal Act, Section 220, dictates that "each member shall hold office from the time of appointment until the expiration of the term of the council that made the appointment, if the members continues to be qualified...". K. Findlay tendered his resignation due to the imminent relocation of his business.

The Downtown Hamilton B.I.A.'s constitution dictates that the Board of Management will consist of a maximum of 17 members with no fewer than 7 members (not including the Ward Aldermen). The resignation of the above individual brings the remaining number of Board members to 12, not including the Ward Aldermen, therefore is not in contravention to the Downtown Hamilton B.I.A.'s constitution. The Downtown Hamilton B.I.A. is however considering the addition of new members to its Board of Management.

*Charles Guthro*

cc: Alderman A. Horwath, Alderman Ward 2  
C. Gorni, Executive Director, Downtown Hamilton B.I.A.



# CITY OF HAMILTON

5.1

## - INFORMATION -

**DATE:** 2000 February 25  
Author: R. W. Chrystian

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

L. Coveyduck, General Manager  
Community Planning and Development

*Charles Guthro*

*L. Coveyduck*

**SUBJECT:** Demolition of 244 King Street East –  
Implementation of the Ferguson Avenue Master Plan  
(PWT00037a)

### BACKGROUND:

At its meeting of February 23, 2000 Committee considered a staff recommendation on the subject property, which read as follows:

- a) That the Acting Commissioner of the Department of Public Works and Traffic be authorized and directed to arrange for the demolition of the City owned property at 244 King Street East; and,
- b) That the cost to demolish the property be charged to Account Number COHAM 520003003, The Ferguson Avenue Implementation Pedestrian/Bicycle Link; and,
- c) That the subject lands be incorporated into the implementation of the Ferguson Avenue Master Plan between King Street East and Main Street East; and,
- d) That the Building Commissioner be authorized to issue a demolition permit in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

The Committee resolved that the staff report be tabled, with direction to staff to report back to Committee with a comprehensive plan regarding best use for the site and the building.

Following Committee's direction, the question of best use for the vacant rail corridor property and 244 King Street East was considered on February 24 by a multi-disciplinary team of staff representing several divisions.



**Demolition of 244 King Street East –  
Implementation of the Ferguson Avenue Master Plan (PWT00037a)**

In addition to site specific considerations, staff took into account two comprehensive planning initiatives, namely the Ferguson Avenue Master Plan, approved by City Council in October 1996, and the Downtown Secondary Plan Design Strategy, received by Committee in August 1999 with direction to staff to incorporate this document into drafting the Secondary Plan for the downtown.

With reference to the Ferguson Avenue Master Plan, it was anticipated initially that land acquisition in this specific area would be restricted to the vacant rail corridor, hence the approved concept plan reflects a pedestrian only connection occupying the narrow space between two existing buildings. The subsequent actions involving purchase of the rail corridor and adjacent building allow for open space enhancements as noted in report PWT00037. The development of a pedestrian corridor with complimentary parkette at this location is viewed by staff as being in conformity with the overall objectives and intent of the Plan and capital improvements already in place on Ferguson Avenue, north of King Street.

The more recent planning initiative, that being the Design Strategy for Downtown, calls generally for additional park and streetscape improvements within the study area as well as opportunities for residential development. Strong, pedestrian friendly urban design treatment is seen to be a vital component to the overall objective for downtown renewal. Specifically the Urban Design Strategy foresaw the opportunity for the property at 244 King Street East as open space / park (see attached Schedule 'A'). The recommended demolition is therefore in conformity with the concept plan shown on map #4 of this plan. As noted under Development Constraints later in this report, various site characteristics represent limitations relative to residential and/or commercial redevelopment. Further, the design strategy identifies numerous alternative sites considered better suited to this type of use.

Also, from a policy perspective, this site, located within the Beasley Neighbourhood, was assessed in terms of the Park Expenditure Policies. Presently the neighbourhood has a population of 5,407 (1994) and therefore has a park requirement of 5.4 ha. under the Official Plan. As only 1.89 ha. of parkland presently exists, this leaves a deficiency of 3.18 ha. In the Park Expenditure Policies, Parkland Acquisition, this neighbourhood is in a Priority "B" category ... "for which there is an identified deficiency in parkland (greater than one hectare in size); there is either no neighbourhood plan or no land identified for acquisition on the approved neighbourhood plan." The revised policy was last reviewed and approved by Council in May, 1996. This proposed addition to the park acreage is in conformity with this approved policy.

In addition to the above planning documents, the acquisition of this property and recommended demolition offers opportunities to address several site specific issues, as follows:



**Demolition of 244 King Street East –  
Implementation of the Ferguson Avenue Master Plan (PWT00037a)**

- User safety – the approved Ferguson Avenue Master Plan calls for the emphasis on pedestrian use ie. cyclists to walk their bicycles, due to the narrow space between 2 buildings immediately adjacent to the vacant rail corridor; the proposed demolition allows for expanded trail width and reduced conflict between users.
- Special event planning – the developed Ferguson Avenue corridor to the immediate north of King Street is already attracting special event activities – opening up site lines from Main Street and along Ferguson Avenue and creating a useable spill over area both enhances site capabilities to host special events and reduces conflict between pedestrian/cyclist users and motorists.
- Historical Interpretation – the existing building occupies the site of the former Ferguson Avenue train station; design of this space will reflect its historical significance and in so doing enhance the visitor experience.
- Development constraints – property location at the intersection of King Street and Ferguson Avenue, size and adjacent uses ie. pedestrian, cycling trail, represent significant limitations on the appropriateness of other uses ie. residential, commercial, institutional. While there exists some rehabilitation / conversion programs for housing, the foregoing development constraints together with the existence of more suitable sites mean this property is not the “best buy” for housing.
- Related development – this involves the recent offer to purchase an existing municipal parking lot at Main and Ferguson by Frazina Construction for its ultimate redevelopment as residential / commercial. Enhancing open space at Ferguson and King would support further building design options for the parking lot and offer very significant and positive support for the marketing of high quality residential units in that future development. City staff intend to work with the developers with the objective being the design and implementation of a quality site plan for this parking lot to compliment / re-inforce the proposed park at Ferguson – King Street and support King Street retail renewal as well.

To date, staff has undertaken only conceptual design for the subject property and will proceed to the detailed drawing / construction stage following approval of the proposed demolition and use of the site. Staff will incorporate development cost into the capital budget allocation for Ferguson Avenue approval for expenditure this year.

Finally, as this site represents a minor adjustment to the Ferguson Avenue Master Plan area, staff will be consulting with affected stakeholders before finalizing the development plan for the property. This plan will be forwarded to Committee for information at the earliest possible date and prior to implementation.



**Demolition of 244 King Street East –  
Implementation of the Ferguson Avenue Master Plan (PWT00037a)**

RWC/mc  
Attachment

cc: Alderman B. Morelli, Chair, Parks and Recreation Committee  
Alderman A. Horwath, Alderman Ward 2  
Alderman R. Corsini, Alderman Ward 2  
R. Fair, General Manager, Community Services  
P. Mason, Director, Community Planning  
W. Plessl, Co-ordinator of Park Development and Maintenance  
Attention: R. Sager  
H. Milsome, Co-ordinator, Community Renewal  
P. Lampman, Community and Planning Development  
R. D'Angelo, Facilities  
M. Mascarenhas, Housing Division



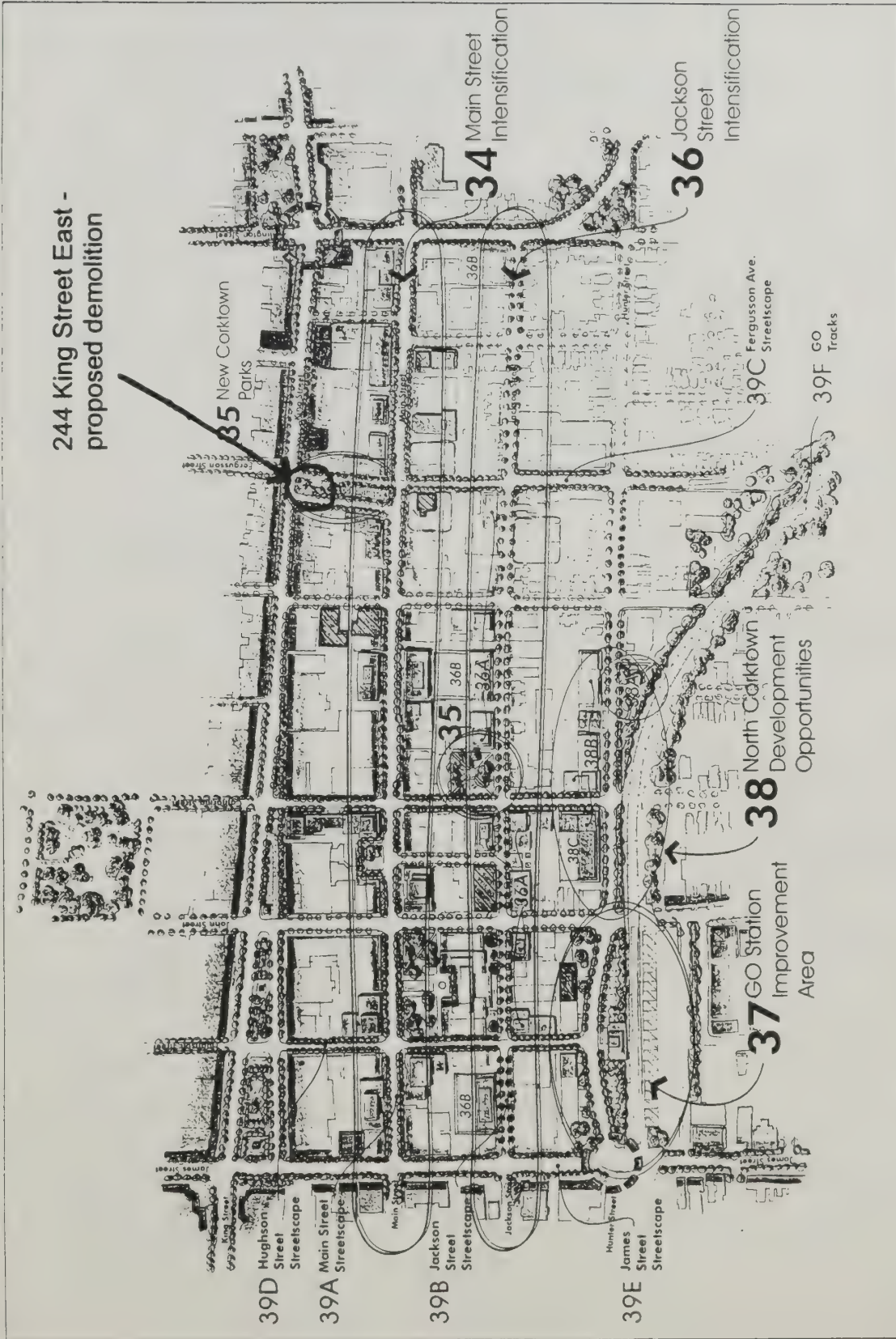


ILLUSTRATION 31  
CORKTOWN NORTH NEIGHBOURHOOD

Legend

- Potential Lot Conversion
- Future Residential Development
- Future Mixed Use Development
- Downtown Gateway

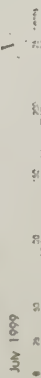
TARGETED ACTIONS

- 34. Main Street Intensification
- 35. New Corktown Parks
- 36. Intensification on Jackson Street
  - A. Residential development
  - B. New parking structure
- 37. GO Station Improvement Area
- 38. North Corktown Development Opportunities
  - A. New Park
  - B. New medium use mixed use development
  - C. New Parking Structure
- 39. Key Streetscape Improvements
  - A. Main Street
  - B. Jackson Street
  - C. Fergusson Avenue
  - D. Hughson Street
  - E. James Street
  - F. GO Tracks



**Design Strategy**  
DOWNTOWN HAMILTON  
SECONDARY PLAN  
FUTURE PLANNING FIRST  
Community Planning and  
Development Division  
City of Hamilton  
Region of Hamilton

July 1999









# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 January 18  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Demolition of 244 King Street East –  
Implementation of the Ferguson Avenue Master Plan  
(PWT00037)

### RECOMMENDATION:

- a) That the Acting Commissioner of the Department of Public Works and Traffic be authorized and directed to arrange for the demolition of the City owned property at 244 King Street East; and,
- b) That the cost to demolish the property be charged to Account Number COHAM 520003003, The Ferguson Avenue Implementation Pedestrian/Bicycle Link; and,
- c) That the subject lands be incorporated into the implementation of the Ferguson Avenue Master Plan between King Street East and Main Street East; and,
- d) That the Building Commissioner be authorized to issue a demolition permit in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost to demolish the property, estimated at a total cost of \$50,000. is contained in Account Number COHAM 520003003, The Ferguson Avenue Implementation Pedestrian/bicycle Link.



## **Demolition of 244 King Street East – Implementation of the Ferguson Avenue Master Plan (PWT00037)**

### **BACKGROUND:**

City Council at its meeting held 1996 October 29, approved The Ferguson Avenue Master Plan in its entirety. The Plan sets the implementation guidelines for the redevelopment of Ferguson Avenue from the escarpment to the bay. The Plan creates a pedestrian oriented streetscape and urban edge while complementing and maintaining the integrity of the North End East, Beasley and Corktown neighbourhoods. An objective of the Master Plan during its creation, was to undertake physical improvements on the public road allowance that would spur reinvestment of privately owned lands abutting it. The implementation of Phases One and Two of the Master Plan (between Cannon and Barton Streets and King Street East and King William Street) has witnessed a rejuvenation of privately owned lands as evidenced by;

- the façade improvements undertaken on the property located at 255 King Street East and the planned outdoor patio along Ferguson Avenue
- the proposal to establish a new restaurant at 197 King William Street and the major renovations planned for this property
- the conversion of the building located at 189 Rebecca Street to a commercial/residential building at which the owner has incorporated various Ferguson Avenue design details into the design of the renovations to the building
- the planned commercial/residential project at 171 Main Street East.

The Master Plan identified the need to acquire lands between Main and King Streets for the purpose of implementing that section and ensuring the continuation of the visual connection. City Council at its meeting held 1998 December 8 approved the acquisition of lands designated as 248 King Street East and 244 King Street East. 248 King Street East was utilized for railway purposes and no buildings exist on the site. 244 King Street East has a vacant commercially zoned building on the site.

Staff is recommending the demolition of the existing building to allow the incorporation of the lands into the implementation of the Ferguson Avenue improvements between Main and King Streets. The recommendation to incorporate the lands into the Ferguson Avenue improvements are based on a number of factors including:

- the need for more open space within the downtown core, increased visibility of the corridor and more programming opportunities e.g. outdoor cafes



**Demolition of 244 King Street East – Implementation of the Ferguson Avenue Master Plan (PWT00037)**

- the need to balance bicycle and pedestrian needs by widening the existing sidewalk on Ferguson Avenue South to the west of the site
- the opportunity to effectively represent the historical significance of the site on which the building stands (it sits on the site of the former train station). Structurally the building requires a new roof and is not in itself significant.

While a detailed plan of this section of Ferguson Avenue has not been developed to date, possibilities for incorporation into the design include the potential to celebrate the history of the site through paving an imprint of the former train station and creating a structure that commemorates the historical significance of the site.

HM/hm  
Attachment

cc: P. Lampman, Community Planning and Development  
R. D'Angelo, Facilities  
R. Sager, Public Works and Traffic















CA4 ON HBL A05  
C51P4  
2000

Urban Municipal Collection  
2nd Floor  
Hamilton Public Library

**URBAN  
MUNICIPAL**

# AGENDA



## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

**URBAN MUNICIPAL**

Wednesday April 5, 2000  
9:30 a.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

APR 12 2000

**GOVERNMENT DOCUMENTS**

**Tina Agnello  
Legislative Assistant**

---

### CALL TO ORDER

#### 1. DECLARATIONS OF INTEREST

#### 2. PUBLIC MEETINGS:

- 2.1 ZAR-00-03 Request for a Further Modification in Zoning – No. 180 Walnut Street South, Hamilton – (PDC00059)
- 2.2 ZAR-00-04 Request for a Change in Zoning – 89-91 Vine Street – (PDC00063)
- 2.3 ZAR-00-02 Request for a Change in Zoning – North Side of the Future Extension of Greywood Road, South of Glenview Place – (PDC00065)

#### 3. ADOPTION OF MINUTES

Minutes of the Meeting Held March 22, 2000

#### 4. CONSENT ITEM

- 4.1 Demolition of 15 Division Street (PDC00060)
- 4.2 Demolition of 74 Harrison Street (PDC00061)
- 4.3 Demolition of 163 Stone Church Road East (PDC00062)







**5. DISCUSSION ITEMS**

- 5.1 Amendment to the Approved Vincent Neighbourhood Plan – Proposed Deletion of the Walkway Located Between 166 & 170 St. Andrews Drive – (PDC00064)

**6. DELEGATION**

Richard Diggins

Cash in Lieu of Parking (210–214 Locke St. S., Hamilton) – (PDC00058)

**7. OTHER BUSINESS**

**8. ADJOURNMENT**







2.1

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 17, 2000  
ZAR-00-03  
Corktown Neighbourhood

**REPORT TO:** Chairman and Members of the  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a further modification in zoning – No. 180 Walnut  
Street South (PDC00059)

**RECOMMENDATION:**

That approval be given to Zoning Application ZAR-00-03. Ivo Civitarese, owner, requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a single family dwelling only within the existing building, for property located at 180 Walnut Street South, as shown on the attached map marked as APPENIDX "A", on the following basis:

- (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 76-312, be further modified to the extent only of the special requirement that:
  - (i) That Section 2(a) of By-law 76-312 be deleted and replaced by the following:

"Notwithstanding Section 11A (1) of By-law No. 6593 the existing building located on the lands shown on Schedule "A" may only be converted for one (1) dwelling unit."
- (b) That the amending by-law be added to Section 19 of Zoning By-law No. 6593, as Section S-490b, and the subject lands on Zoning District Map E-5 be notated S-490b;
- (c) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- (d) That the proposed further modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area; and
- (e) That the implementing by-law not be presented to City Council until the owner has entered into an Encroachment Agreement with the City of Hamilton for the

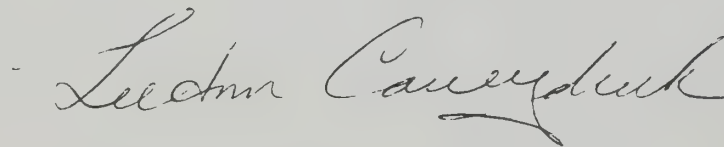


existing building encroachments into the Forest Avenue and Walnut Street South road allowances.

#### **EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for lands located at 180 Walnut Street South, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit only one dwelling unit within the existing building, and to delete commercial offices as a permitted use.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider applications to amend the Zoning By-law.

#### **BACKGROUND:**

##### Proposal

The applicant is proposing to further amend the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit one (1) dwelling unit only within the existing building. In this regard, all the underlying commercial zoning is to be deleted.

##### ZAC-99-04

The Planning and Development Committee, at their meeting of May 5, 1999, denied an application on the subject lands for an amendment to the Official Plan and a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a restaurant for a maximum of 45 persons within the existing building. The basis for this denial was:

- The proposal would be incompatible with surrounding residential uses given the potential for spillover effects (e.g. noise, parking, litter, etc.); and,
- If conflicts with the approved Corktown Neighbourhood Plan which designates the subject lands "Singles/Semis/Row – Conservation Retaining Existing Buildings".



### Zoning Application ZAC-94-03 and By-law No. 94-178

In June, 1994, Planning and Development Committee considered a similar proposal by the applicant for a restaurant within the existing building. Staff recommended denial of the application on the basis of incompatibility with the surrounding residential uses.

Planning and Development Committee, on June 22, 1994, recommended to Council approval of an Official Plan Amendment and a further modification to the by-law to permit a restaurant on a temporary two (2) year basis. City Council, on October 25, 1994 passed By-law No. 94-178. On December 14, 1994, the matter was appealed to the Ontario Municipal Board. The appeal was based on the following concerns:

- The proposed restaurant was inappropriate for a residential area;
- Parking was problematic and the proposed restaurant would aggravate an already serious problem;
- Increase in traffic;
- Proximity of a licensed establishment to Queen Victoria Public School; and,
- Garbage.

The Ontario Municipal Board, in its decision dated on August 14, 1996, essentially dismissed the appeal. However, the Board directed that By-law No. 94-178 be amended to limit the seating capacity of the restaurant to a maximum of 45 persons only within the existing building. The by-law was in effect for two years from the date of the Board's order and subsequently expired on September 25, 1998. The restaurant was not established within this time period which prompted Zoning Application ZAC-99-04.

### Zoning By-law No. 76-312

City Council, on November 30, 1976, passed By-law No. 76-312 which rezoned the subject lands from "E-3" (High Density Multiple Dwellings) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to allow the conversion of the existing building for commercial office use only.

#### **APPLICANT:**

Ivo Civitarese, owner.

#### **LOT SIZE AND AREA:**

The subject lands have:

- A frontage of 10.66 m (35 feet) on Walnut Street South;
- A frontage of 18.66 m (61.22 feet) on Forest Avenue; and,
- A lot area of approximately 198 m<sup>2</sup> (2,141.2 feet<sup>2</sup>).



**LAND USE AND ZONING:**

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant building	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
<u>Surrounding Lands</u>		
To the north	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District
To the east	Row Housing	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District
To the south	Single-Family Dwellings, Office, Queen Victoria Public School	"E-3" (High Density Multiple Dwellings) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
To the west	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District

**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.9.3.1      The future viability and health of the Central Policy Area will be largely dependant on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on schedule "B" will apply in addition to all the Residential policies of Subsection A.2.1 and C.7, and Policy A.2.8.1(ii):



- i) It is the intent of Council to strengthen the Residential function of the AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

C.6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value.

C.6.9 A Heritage Impact Assessment may be required by the City for any development or redevelopment, both public and private initiatives, that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that meet one or more of the following criteria:

- ii) The buildings/structures are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest or are adjacent to buildings/structures on the City's Inventory of Buildings of Architectural and/or Historical Interest."

The proposal complies with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Singles/Semis/Row Conservation Retaining Existing Buildings" in the approved Corktown Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

#### **COMMENTS RECEIVED:**

- The Hamilton Region Conservation Authority advises they have no objection to the proposal.
- The Community Planning & Development Division (Building) has advised the following:

- "1. It is unclear as to the extent of the zoning amendment.
- 2. The last recognized use is a single family dwelling as established by a building permit issued on March 10, 1977 for the conversion from a church to a single family dwelling.



3. An encroachment agreement shall be maintained for the building encroaching on the road allowance.
4. The property is on the City's inventory list as being of interest to L.A.C.A.C."

- The Department of Public Works and Traffic advised they have no comment.
- The Community Planning and Development Division (Development Engineering Section) advises:

"...there are public watermains and separate storm and sanitary sewers available to service the subject lands.

In our previous comments on ZAC-99-04 we noted that there is an existing landscape agreement between the owner and the City of Hamilton registered as Instrument No. 186104CD on May 14, 1981. A copy of the survey plan or development plan was not submitted with this particular application. According to the survey submitted with ZAC-99-04, the existing building encroaches into the Forest Avenue road allowance and the stone porch encroaches into the Walnut Street South road allowance. It appears that these encroachments were not included in the previous landscape agreement. **We recommend as a condition of development approval that the applicant/owner enter into an Encroachment Agreement with the City of Hamilton for these structural encroachments into the road allowances.** Alternatively, the applicant may wish to amend the existing agreements to include these structural encroachments. . .

Any other works within the Forest Avenue and Walnut Street South road allowances must conform to the City of Hamilton Streets By-law."

- The Heritage Planning Staff for LACAC in their comments on ZAC-99-04 advised:

"180 Walnut Street South is listed on the **Inventory of Buildings of Architectural and/or Historic Interest**.

Adaptive re-use of the building is encouraged, provided that the heritage character of the exterior is retained.

For you information, the McLaren Mission building, affiliated with the Church of the Ascension at Forest and John Street, was originally constructed on another site. The first entry found in the assessment rolls is 1880, at Wellington and Maria (now Forest) Street.

The site was appropriated in 1897 by the Canadian Pacific Railway for freight sheds and the Mission was taken apart and re-erected, stone by stone, at its present location."



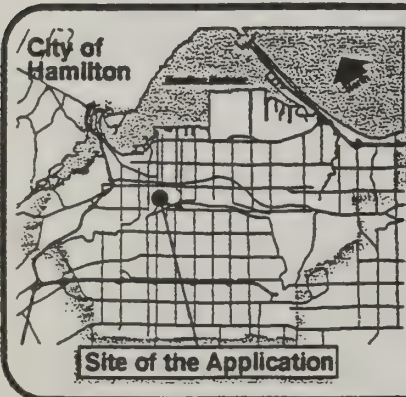
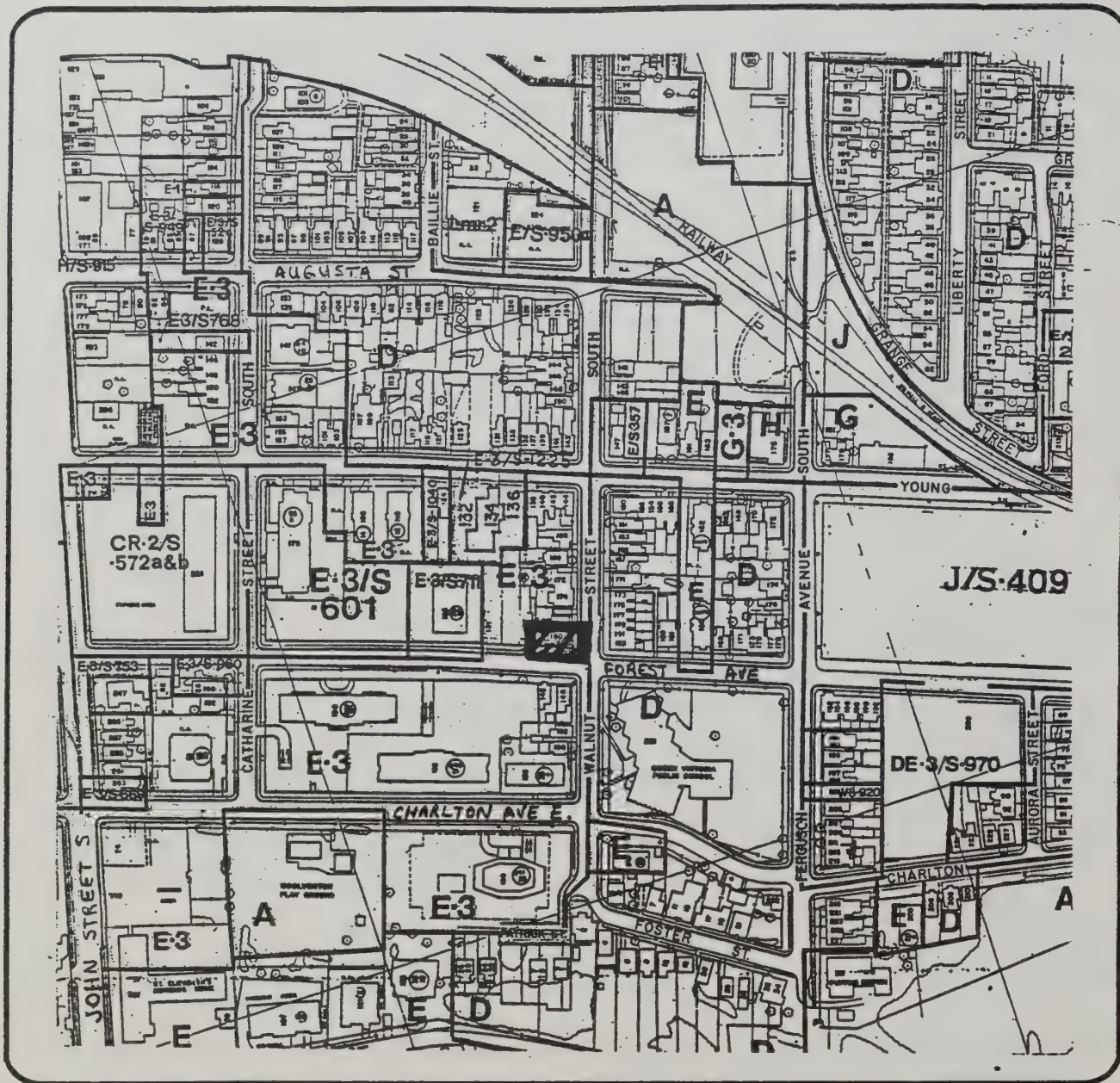
**COMMENTS:**

1. The proposal complies with the Official Plan and approved Corktown Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis:
  - It implements the intent of the Official Plan and approved Corktown Neighbourhood Plan;
  - It is compatible with the low density residential character of the adjacent neighbourhood; and,
  - It provides an adaptive re-use of a listed building of Architectural and/or Historical Interest which is consistent with both the Hamilton-Wentworth and City of Hamilton Official Plans.
3. Although the Building Department has advised that the last recognized use is a single family dwelling, the applicant's agent has confirmed that the owner wishes to proceed with the application as it will have the effect of repealing By-law 76-312 which permits commercial office use within the existing building.
4. Identified by the Development Engineering Section and the Building Department, the existing building encroaches into the Forest Avenue and Walnut Street South road allowances. Accordingly, it would be appropriate to hold the implementing by-law in abeyance until the owner enters into an Encroachment Agreement with the City.

**CONCLUSION:**

Based on the foregoing, the application can be supported.





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District

Reference file:  
**ZAR-00-03**

Scale  
**Not to Scale**

Date  
**Feb, 1999**

Technician:  
**D.L.**

**APPENDIX 'A'**



**CITY OF HAMILTON  
- RECOMMENDATION -**

2.2

**DATE:** 2000 March 17  
ZAR-00-04  
Central Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a change in zoning – 89-91 Vine Street (PDC00063)

**RECOMMENDATION:**

That approval be given to Zoning Application ZAR-00-04, by Philpott Memorial Church, owner, for a change in zoning from "L-c" (Planned Development – Commercial) District to "H" (Community Shopping and Commercial etc.) District, modified, to permit the expansion of an existing parking lot and provide for landscaping for lands located at 89 - 91 Vine Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

- (a) That the subject lands be rezoned from "L-c" (Planned Development – Commercial) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
  - (1) That notwithstanding Section 14. (1) (viii) of Zoning By-law No. 6593 as amended by By-law No. 99-174, a public parking lot shall be permitted;
  - (2) That a landscaped planting strip have a minimum width of 3.0 m shall be provided and maintained along the entire street line except for the area used for access driveway;
  - (3) Section 18A(11) and (12) shall not apply along easterly lot line;
- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1312a, and that the subject lands on zoning district Map W-4 be notated as S-1312a;
- (d) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

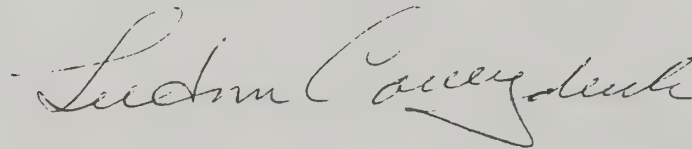


**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a change in zoning from "L-c" (Planned Development – Commercial) District to "H" (Community Shopping and Commercial, etc.) District, modified, for lands located at 89-91 Vine Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the expansion of the existing parking lot and provide for landscaping along on the front lot line of the subject lands. In addition, the By-law provides for the following variances as special requirements:

- Requires a 3.0 m minimum wide landscaped planting strip along the entire front lot line abutting Vine Street;
- Eliminates the required 1.5 m minimum planting strip and 1.2 m to 2.0 m visual barrier along the easterly lot line.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for Zoning By-law amendment.

**BACKGROUND:**Proposal

The applicant is proposing to expand their existing parking lot for the adjacent church (Philpott Memorial Church) onto the lands municipally known as 89-91 Vine Street and provide additional landscaping along the street line abutting Vine Street.

Previously, the applicant filed a Site Plan Control Application, DA-99-04, for the subject lands and the remainder of lands municipally known as 89-91 Vine Street which is currently under review (see attached Site Plan - Appendix "B"). During this review the Building Department determined that a portion of the site was not appropriately zoned for the parking lot use. Thus, prior to approval of the Site Plan Control Application a successful rezoning of the subject lands (i.e. a portion of a former private alley) from "L-c" (Planned Development- Commercial) District to "H" (Community Shopping and Commercial etc) District would be required.



By-law No. 93-162

On July 27, 1993, City Council passed By-law 93-162, providing for a change in zoning from "L-c" (Planned Development- Commercial) District to "H" (Community Shopping and Commercial etc) District, modified, to permit a parking lot or future church expansion on the majority of property known as Nos. 89-91 Vine Street. In addition, the by-law provided for a landscaped planting strip of not less than 3.0 m in width along Vine Street, except for the area used for an access driveway. The By-law came into effect August 25, 1993.

By-law No. 99-174

On December 9, 1999, City Council passed a By-law 99-174 to delete new surface parking lots as a permitted use in the downtown area. The By-law came into effect on January 6, 2000.

Design Standards for Parking Lots

In 1993, City Council approved new design standards and regulations for parking lots across the City. The by-law requires a 3.0 m minimum landscaped strip along any highway or right-of-way.

With respect to the downtown area, the 3.0 m landscaping requirement provides significant aesthetic benefit with respect to streetscape enhancement, beautification and ensures safety along roadways.

**APPLICANT:**

Philpott Memorial Church, owner.

**LOT SIZE AND AREA :**

- A frontage of 3.0 m on Vine Street;
- A depth of 7.65 m; and,
- A lot area of approximately 23.32 m<sup>2</sup>.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Parking Lot	"L-c" (Planned Development – Commercial) District and "H" (Community Shopping and Commercial, etc.) District Modified



### Surrounding Lands

To the north	One and Two Family Dwellings	"L-c" (Planned Development – Commercial) District
To the east	Single Family Dwelling	"L-c" (Planned Development – Commercial) District
To the south	Church and Parking Lot	"H" (Community Shopping and Commercial) District
To the west	Salvation Army Garage	"L-c" (Planned Development – Commercial) District

### **OFFICIAL PLAN:**

The subject lands are designated "**Central Policy Area**" on Schedule "A" – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the city and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the commercial policies set out in subsection A.2.2. of this Plan;
- ii) Residential uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan;
- iii) Light Industrial Uses such as warehousing, manufacturing, laboratories, research facilities, printing and communication facilities and related uses, in keeping with the industrial policies set out in Subsection A.2.3 of this Plan and subject to the accompanying policies contained hereafter on compatibility;
- iv) Open Space Uses such as, but not limited to, parks, public or private recreational facilities, arena, stadia and pathways, and in keeping with the Open Space policies set out in Subsection A.2.4 of this Plan; and,
- v) Major Institutional Uses such as, but not limited to, cultural facilities, health, welfare, educational, religious and governmental activities and



related uses, and in keeping with the Major Institutional policies set out in subsection A.2.6 of the Plan."

Based on the foregoing, the proposal does not conflict with the intent of the Official Plan.

#### NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial & Apartments" in the approved Central Neighbourhood Plan. Approval of this application will not require a modification to the approved Neighbourhood Plan.

#### COMMENTS RECEIVED:

- The following departments and agencies have not comments or objections:
  - Hamilton Region Conservation Authority; and,
  - Public Works and Traffic Department.
- The Community Planning and Development Division (Building) has previously commented on the proposed Site Plan Application, which relates to the Zoning Application, and advised the following:
  - "1. It appears that the abutting lands located to the north-east of this property municipally known as 85 and 89 Park Street North are used for residential purposes.
  2. Therefore, a 1.5m area landscaped with a planting strip is required along the easterly side lot line abutting the lands being used for residential purposes.
  3. Except for the first 3.0m from the front lot line, a minimum 1.2m high and maximum 2.0m high visual barrier is required along the above-mentioned portion of the easterly side lot line.
  4. The lighting facilities shall be deflected away from the said properties being used for residential uses.
  5. It appears that there is a former closed private alley approximately 10.00' x 87.00' which extends along the easterly lot line starting at Vine Street and extending down the entire side lot line.
  6. Section 5(5) of Hamilton zoning By-law states that whenever an alley was on a district boundary, then the land formerly included in the alley shall be deemed to be divided between the districts adjoining on either side, in such a manner that the district boundary shall follow the centre line of such former alley.
  7. Therefore, except for the northeaster corner of the former private alley measuring approximately 10.00' x 25.10', the former private alley shall be deemed to be an "H" modified on either side of the centre line of the alley.



8. The northeast corner of the former alley shall be deemed to be an H\S-1312 on the westerly portion measuring approximately 5.0' x 25.10' and an L-c on the easterly portion measuring approximately 5.0' x 24.98'. Therefore, the parking lot is now deemed to be located in more than one district and the L-c district does not permit the parking lot.
9. All other comments of our letter dated February 18, 1999 remain as stated."
- The Community Planning and Development Division (Development Engineering) has advised that there are public watermains and combined storm and sanitary sewers available to service the subject lands and comments on the specific development of these lands were submitted on Site Plan Control Application DA-99-04.

#### COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the approved Central Neighbourhood Plan.
3. The application has merit and can be supported on the following basis:
  - it would implement the "L-c" (Planned Development - Commercial) District provisions which identifies the "H" (Community shopping and Commercial) District as an appropriate commercial district;
  - the subject lands are part and parcel of the lands currently used for parking associated with the adjacent church (i.e. Philpott Memorial Church), thus the rezoning squares off the proposed parking area previously rezoned (ZA-92-57/By-law 93-162) .
4. Based upon the site plan submitted (DA-99-04, see Appendix "B"), the By-law should provide the following variances as special requirements:
  - To require a 3.0 m minimum wide landscaped planting strip along the entire front lot line abutting Vine Street.

This is consistent with the recent rezoning of the balance of the subject lands requiring a 3.0 m wide landscaped planting strip along Vine Street that provides significant aesthetic benefit with respect to streetscape enhancement, beautification and ensures safety along roadways.

  - To eliminate the required 1.5 m minimum planting strip and 1.2 m to 2.0 m visual barrier along the easterly lot line.



Although the adjacent land use along a portion of the easterly lot is a residential building the area of the lot immediately abutting the subject lands is a paved parking area for the residential use. The intent of the 1.5 m minimum planting strip and 1.2 m to 2.0 m visual barrier is to buffer rear yard amenity space from parking areas. Since this is not the case this requirement is not necessary. It should be noted that an existing 1.2 m high chain link fence separates the subject lands from the adjacent residential lands.

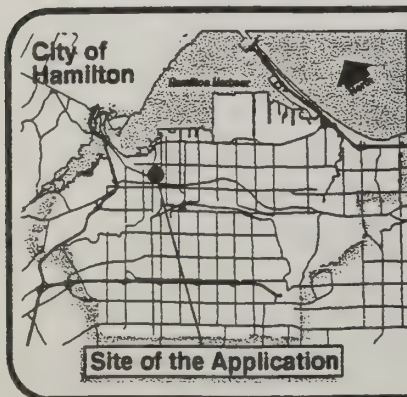
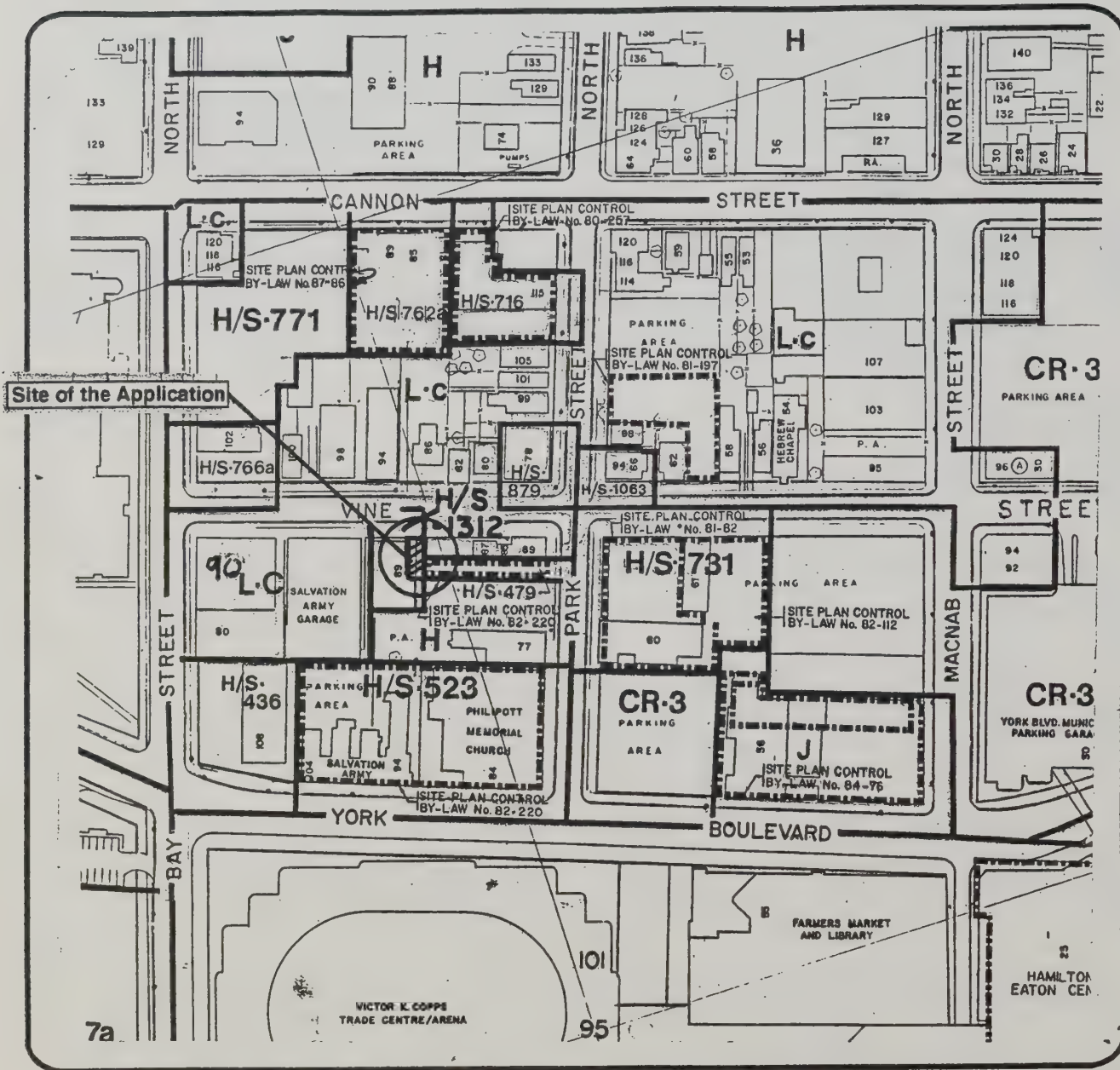
5. The "H" (Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223 and 90-285. Matters related to the park: lot layout, grading, landscaping, lighting, etc. are being reviewed under the current Site Plan Control Application, DA-99-04.

#### **CONCLUSION:**

Based on the foregoing, the application can be supported.

JL/mm  
ZAR-00-04





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Change in zoning from:  
 "L-c" (Planned Development - Commercial) District  
 to "H" (Community Shopping and Commercial, etc.)  
 District, modified

Reference file:  
**ZAR-00-04**

Scale  
**Not to Scale**

Date  
**Feb, 1999**

Technician:  
**D.L.**

**APPENDIX A**



CENTRELINE OF ROAD

8.0M  
GUTTER

CONCRETE SIDEWALK

REMOVE GRAVE  
REPLACE WITH PLANTING  
2MX2M  
DAYLIGHT  
TRIANGLE  
N72°11'40"W

REMOVE GRAVE  
REPLACE WITH  
PLANTING  
2MX2M  
DAYLIGHT  
TRIANGLE  
19.812

7.0M MIN

SHIFT  
GATE

RELOCATE  
GATE  
FENCE

SUBJECT  
LANDS ZONED  
"L-C" DISTRICT

8.0m TYPICAL PBT

2

3

4

5

6

7

8

15

14

13

12

11

10

9

PROPOSED ASPHALT  
PARKING LOT

GRAVEL  
(PROPOSED ASPHALT AREA)

MATCH EXISTING GRADE

CURB STONES  
PROPOSED  
MATCH EXISTING GRADE

APPENDIX  
"B"







2.3

CITY OF HAMILTON  
- RECOMMENDATION -

**DATE:** 2000 March 17  
ZAC-00-02  
Gourley Neighbourhood

**REPORT TO:** Chairman and Members of the  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager,  
Community Planning and Development Division

**SUBJECT:** Request for a change in zoning – North side of the future extension  
of Greywood Road, south of Glenview Place (PDC0065)

**RECOMMENDATION:**

That Zoning Application ZAC-00-02, Casablanca Properties Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District, for lands located on the north side of the future extension of Greywood Road, south of Glenview Place, as shown on the attached map marked as APPENDIX "A", be **denied** for the following reasons:

- (a) it is contrary to the general intent of the 1996 Council approval of the subdivision "Gourley, Stage 2" which provided for a balanced mixture of lot types (i.e. "C" District and "R-4" District) and for a range of lot sizes within the "R-4" District;
- (b) the proposed rezoning, in conjunction with the proposed relotting of the abutting lands zoned "R-4" District to the south conflicts with the intent of the Official Plan since it will not provide the appropriate gradation of dwelling unit types and densities that enhance the scale and character of the existing residential area; and,
- (c) the proposed reduction of the lot widths from 14.5 m to 10 m conflicts with the general intent of the "R-4" District provisions which is to provide for a variety of lot sizes (i.e. 9.0 m, 10 m and 11 m).



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.



**BACKGROUND:**Proposal

The applicant is proposing to rezone the subject lands from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District to permit the development of eleven (11) small lot single family dwellings (see attached APPENDIX "B").

Zoning Application 95-12 and Subdivision Application SAC-95-02

In August, 1996, City Council approved Zoning Application 95-12 and Subdivision Application 95-02. The purpose of these applications was to permit the development of the subject lands for 61 lots for single family dwellings comprised of 22 lots and 4 blocks for future development for single family dwellings and 35 lots for small lot single family dwellings (see APPENDIX "C")

Within the lands zoned "R-4" District, a variety of lot sizes was provided. Specifically, the lot widths as shown on the draft approved plan of subdivision were as follows:

Lot Width	Number of Lots
10.0 m	1
10.5 m	2
11.0 m	26
11.2 m	2
11.4 m	1
11.7 m	1
14.5 m	1
15.0 m	1

The rezoning and subdivision were supported on the basis that it complied with the intent of the Official Plan, was compatible with existing and proposed development in the area and that a variety of lot widths were being provided within the "R-4" District.

**APPLICANT:**

Casablanca Properties Inc., owner.

**LOT SIZE AND AREA:**

The lands proposed to be rezoned have:

- A frontage of 112.5 m (369.1 feet);
- An average depth of 43 m (141 feet); and,
- A lot area of approximately 4,850 m<sup>2</sup> (1.2 acres).



**LAND USE AND ZONING:**

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Land Use</u>		
to the north	Vacant lands	"AA" (Agricultural) District
to the south	Vacant lands and single detached dwellings	"R-4" (Small Lot Single Family) District
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings and Vacant Lands	"R-4" (Small Lot Single Family) District and "C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated "Residential" on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2
- C.7.2      Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.



C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will;

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setback, privacy and overview;
- (ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwellings forms and housing options accessible to all Hamilton residents;"

The proposal complies with the land use designation of the Official Plan. However, given the incremental erosion in the mixture of lot sizes from the original draft plan of subdivision (i.e. 10.0 – 15.0 m lot widths in the "R-4" District), the proposal conflicts with the intent of the Official Plan which encourages a range and mix of dwelling unit types and densities that will enhance the scale and character of the existing residential neighbourhood.

#### NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double" residential in the approved Gourley Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

#### COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.
- The Building Department, Community Planning and Development Division have verbally advised that they have no objection to the proposed change in zoning provided that the proposed lots have an average lot width of 10.0 m and an average lot area of 306.0 m<sup>2</sup>.
- The Development Engineering Section, Land Development Department, Community Planning and Development Division have verbally advised that they have no objection to the proposed change in zoning provided that the lands are developed in accordance with the applicable conditions of draft plan approval for the "Gourley Estates, Stage 2" plan of subdivision.
- The Public Works and Traffic Department advised that they have no objection to the proposed change in zoning.



## COMMENTS:

1. The proposal complies with the land use designation in the Official Plan, however it conflicts with the intent of the Official Plan since it will not provide the appropriate gradation of dwelling unit types.
2. The proposed change in zoning, in conjunction with the proposed relotting of the lands already zoned "R-4" to the south, is contrary to the general intent of the "R-4" District. Specifically, the draft approved plan of subdivision provides for a mixture of lot sizes ranging from 10.0 m – 15.0 m within the "R-4" District. Based on the preliminary engineering drawings submitted by the applicants agent, and the drawings submitted with the rezoning application, the applicant is proposing that the lots will be either 10.05 m or 10.23 m in width (with the exception of the corner lot which will be 11.2 m to accommodate the need for two side yards to provide for a maintenance easement for the abutting lot). As such, the proposed change in zoning is contrary to the general intent of the "R-4" District which is to provide for a variety of lot sizes.
3. At the time of the original rezoning, staff did not modify the "R-4" District regulations because the draft approved plan specifically provided for a variety of lot sizes and it is the subdivision plan, and not the zoning, that establishes the lotting fabric. Prior to the registration of "Gourley Estates, Phase 2" the applicant proposed a revision to the draft approved plan to reduce the lot sizes of the lots on Brigadoon Drive and Nature Court such that the majority of the lots would be 10 m in width. The effect of this would have been to increase the number of lots on Nature Court from 16 to 18 and along Brigadoon Drive from 8 to 9. A net increase of 3 lots.

With respect to Nature Court, the applicant was proposing to reduce the lot widths to approximately 10.0 metres, resulting in a total lot yield of 18 lots.

Staff reviewed the proposal but concluded that additional lots on the south side of Greywood Road and the rezoning of the north side of Greywood Road (the subject of this application) could not be supported given:

- the resulting reduction of the lot widths from 11 m to 10 m conflicts with the general intent of the "R-4" District provisions which is to provide for a variety of lot sizes (i.e. 9.0 m, 10 m and 11 m); and,
- the reduced lot sizes has implications for the streetscape.

As a result of discussions with staff, the applicant agreed to revise the plan. The revised plan provided for 17 lots in nature Court and 9 lots along Brigadoon Drive – a net increase of 2 lots over the draft approved plan. This negotiated agreement was based on the understanding that the lots along Greywood Road would be developed in accordance with the draft approved subdivision.



As part of the revisions to the lotting pattern for Nature Court, the applicant agreed to revise the lots at the bottom of the cul-de-sac. Specifically, the lot widths were increased to 12.0 m in width. This resulted in a reduction of 1 lot from the proposed 18 lots to 17 lots. It is noted that the 12.0 m wide lots, although zoned "R-4" District, are effectively "C" District lots (i.e. 12.0 m wide (40 ft)).

It is noted that the preliminary engineering submission provided by the applicant proposes a relotting of the lands on the south side of Greywood Road. The draft approved plan was for 11 lots ranging in size from 11.0 m – 14.5 metres. The applicant is proposing 13 lots ranging in size from 10.05 m – 11.2 m in size.

Land Development Department staff have attempted to maintain the original intent of Council's approval of the "Gourly Estates, Stage 2" subdivision in that the plan of subdivision, as approved by City Council, provided for a mixture of lot sizes.

The draft approved plan of subdivision shows a potential of 10 lots (see attached APPENDIX "D") whereas the subject proposal is for 11 small lot single detached dwellings for the limits of the lands proposed to be rezoned from "C" District to "R-4" District. However, it is noted that the draft approved plan of subdivision was for 19 lots on the north side of Greywood Road, the plan provided by the applicant shows a total of 21 lots – a net increase of two lots.

The draft plan approved plan of subdivision had a mixture of 42.6% of "C" District lots and 57.4% of "R-4" District lots (see attached APPENDIX "D"). Based on the subject application, and the relotting shown on APPENDIX "B", the mixtures of lot sizes will shift to 37% "C" District lots (this includes the 8 lots in Nature Court that are zoned "R-4" District but are 12.0 m in width) and 63% "R-4" District lots (excluding the 8 lots in Nature Court).

In this regard, the mix of lots and the flexibility in the variety of dwelling unit types is being further reduced.

4. Lands to the west on Greywood Road and to the north on Glenview Place are zoned "C" (Urban Protected Residential, etc.) District and developed for single family dwellings (except for three semi-detached lots on the south side of Greywood Road). Lands to the south were rezoned by By-law 97-155 for small lot single detached dwellings. In this regard, approval of this application would not provide the appropriate gradation of dwelling unit types and densities in keeping with the policies of the Official Plan.
5. Lands to the north zoned "AA" (Agricultural) District are presently vacant. These lands are designated as "Civic & Institutional" in the approved Neighbourhood Plan and noted as the future location of a separate school. Should this site be declared surplus then, approval of this application would establish an undesirable precedent for future rezoning of these lands to "R-4" (Small Lot Single Family



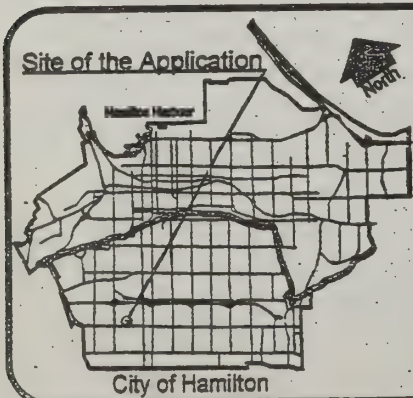
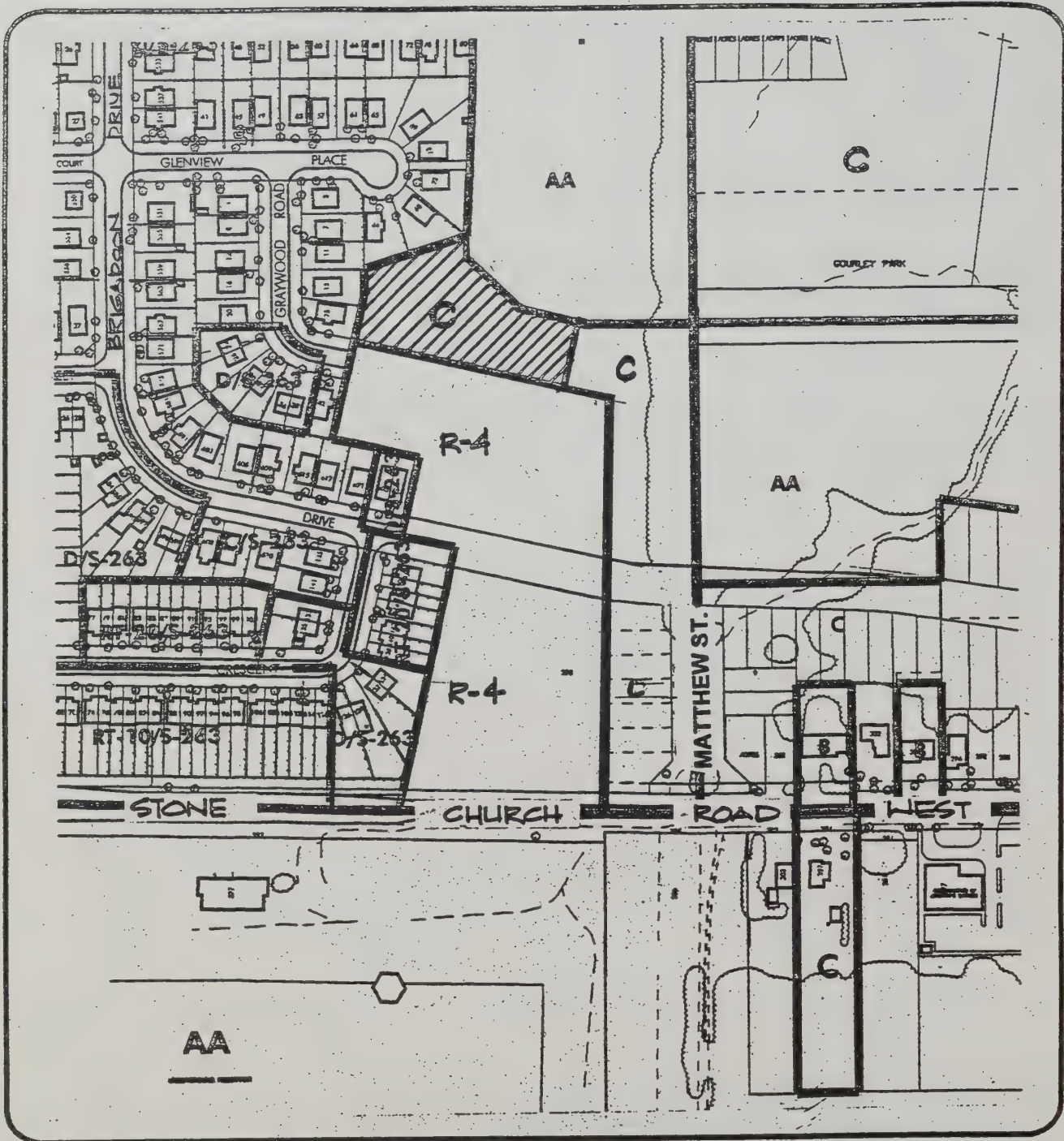
Detached) District. This would not contribute to the desired mix of dwelling unit types and densities.

**CONCLUSION:**

Based on the foregoing, the application cannot be supported.

CLF/SR/  
ZAC-00-02





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

Change in Zoning from:

 "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District

Reference file:

**ZAC-00-02**

Scale

**Not to Scale**

Date

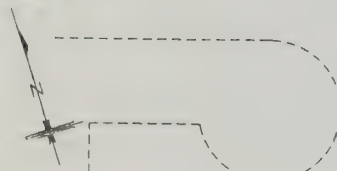
**Feb., 2000**

Technician:

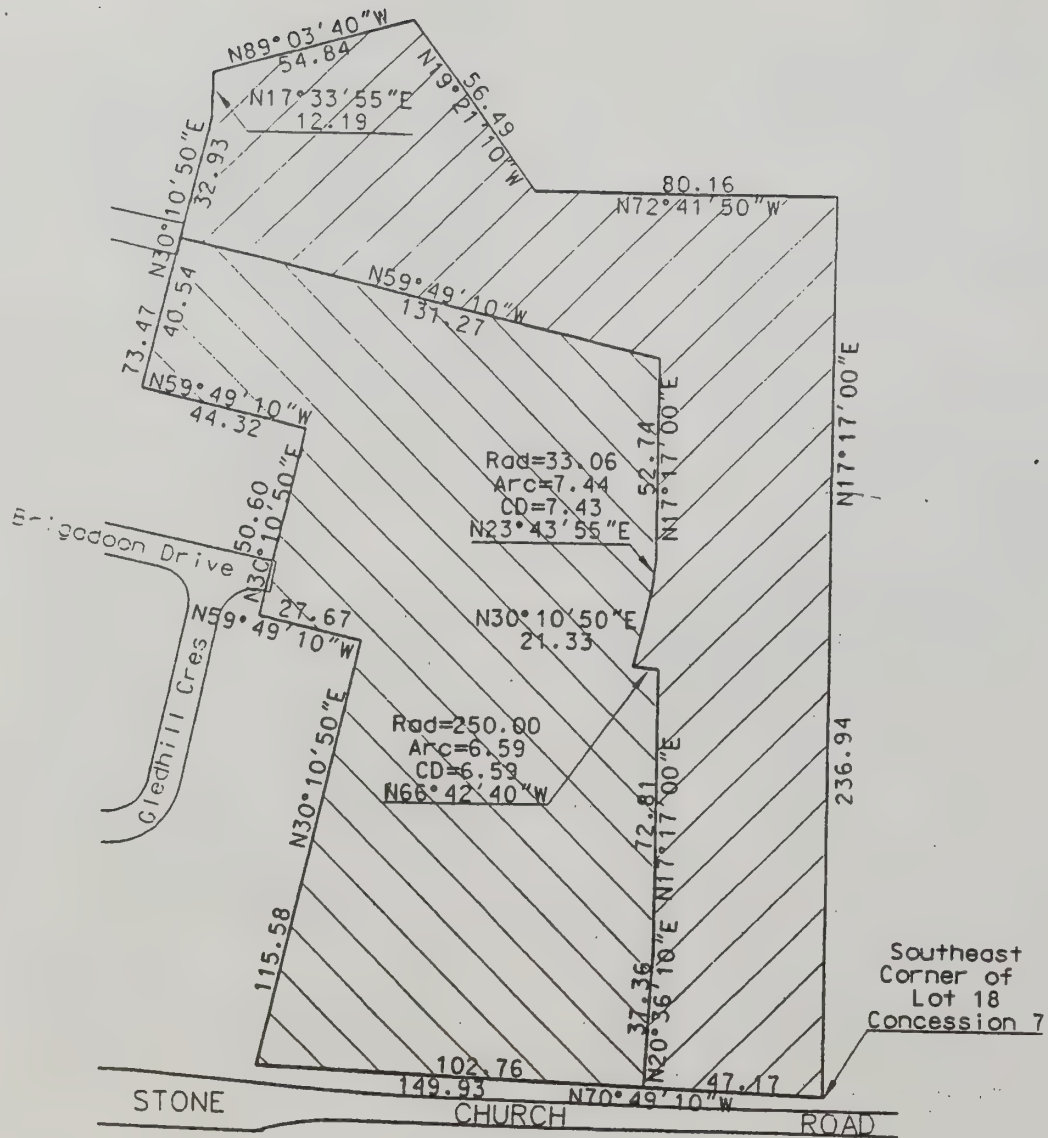
**B. B.**

**APPENDIX "A"**









NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-155  
Passed the 08th day of July, 1997.

*[Signature]*  
Clerk

*[Signature]*  
Mayor

City of Hamilton



Schedule A

Map Forming Part of  
By-Law No. 97-155..  
to Amend By-Law No. 6593

Planning and Development Department

Legend

Proposed changes in zoning:

- BLOCK 1  from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- BLOCK 2  from "AA" (Agricultural) District to "R-4" (Small Lot Single Family), District.



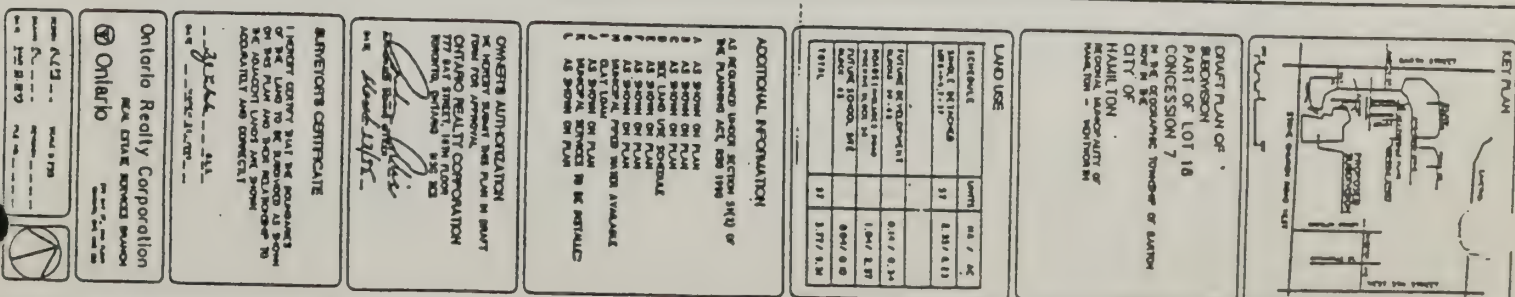
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Date  
June 1997

Reference File No.  
ZAR-97-15

Drawn By  
S.H.













# MINUTES

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, March 22, 2000

9:30 a.m.

Council Chambers, Hamilton City Hall  
71 Main Street West, Hamilton

**Present:** Alderman F. D'Amico (Chairperson)  
Alderman G. Copps (Vice-Chairperson)  
Aldermen M. Caplan, R. Corsini, D. Haining, B. Charters, B. Kelly

**Regrets:** Mayor R. M. Morrow (City Business)  
Alderman F. Eisenberger (City Business)

**Also Present:** Alderman A. Horwath  
L. Coveyduck, G. Paparella, P. Mason, P. Mallard, A. Zuidema,  
P. Lampman, E. Switenky, B. Janssen, C. Lee-Morrison, N. Smith,  
C. Touzel

Alderman F. D'Amico, Chairperson, called the meeting to order.

### THE FOLLOWING ITEMS WERE RECOMMENDED TO CITY COUNCIL:

**1. City Initiative for a change in Zoning for 130 Bay Street South (St. Mark's Church) (PDC99137(A)) (Item 2.1)**

That approval be given to City Initiative CI-00-A, for a change in zoning from "E-3" (High Density Multiple Dwellings) District, modified, to "A" (Conservation, Open Space, Park and Recreation) District, modified, to permit a place of worship (church) and outreach programs within the existing building only, for lands located at 130 Bay Street South, as shown on the attached map marked as Appendix "A", on the following basis:

- (i) That the subject lands be rezoned from "E-3" (High Density Multiple Dwellings) District, modified, to "A" (Conservation, Open Space, Park and Recreation) District; and,



- (b) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
  - (i) That notwithstanding Section 7.(1), only the following uses shall be permitted:
    - 1. A Place of Worship within the existing building only.
    - 2. Offices for outreach programs accessory to a Place of Worship, including counseling programs but excluding overnight accommodations, within the existing building only.
    - 3. Public open space.
  - (ii) Section 7.(2) shall not apply to the existing building.
  - (iii) Section 7.(3)(i), (ii) and (iii) shall not apply to the existing building.
  - (iv) Notwithstanding Section 7.(4) every lot or tract of land shall have a width of at least 38 m and an area of at least 1,380 m<sup>2</sup>; and,
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1443, and that the subject lands on Zoning District Map W5 be notated S-1443; and,
- (d) That Corporate Counsel be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W5 for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**2. Staff Attendance at OMB Hearing - 298 Grays Road (PDC00056) (Item 4.1)**

That the appropriate Staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-00:1, respecting property located at No. 298 Grays Road, as shown on the attached map marked as Appendix "B".



**3. Demolition of 21 St. Olga Street (PDC00046) (Item 5.1)**

That the Building Commissioner be authorized to issue a demolition permit for 21 St. Olga Street in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**4. Demolition of 23 St. Olga Street (PDC00047) (Item 5.2)**

That the Building Commissioner be authorized to issue a demolition permit for 23 St. Olga Street in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**5. Auchmar, 88 Fennell Avenue West - Heritage Easement Agreement (PDC99098(C)) (Item 6)**

That in accordance with the Ontario Heritage Foundation's Easement Acquisition Policy to secure resources to meet any new easement administration responsibilities, that approval be given to the Foundation's request for a municipal contribution to assist with the review of any alterations/additions to the Auchmar property (88 Fennell Avenue West, Hamilton) and periodic site monitoring as follows:

- (a) a one-time donation to the Ontario Heritage Foundation in the amount of \$10,000 to be financed through the Heritage Acquisition Reserve Account; and,
- (b) one annual monitoring site visit to be undertaken by Municipal Heritage Planning Staff.

**6. Bills:**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-009 A By-law to extend By-law No. 99-055 respecting the "Wellington Meadows, Phase 1" Subdivision, P.L. 2M-877 from Part Lot Control.



- (b) C-010 A By-law to extend By-law No. 98-087 as amended by By-law No. 99-033 respecting land within the "Claudette Gate, Phase 9" Subdivision, Plan 62M-825 from Part Lot Control.
- (c) C-011 A By-law to Remove Land within the "Allison Estates Phase 6" Subdivision, Plan 62M-900 from Part Lot Control.
- (d) C-012 A By-law to Amend Zoning By-law No. 6593 respecting lands located at 164 Rymal Road West.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:**

- (a) **Declarations of Interest** (Item 1)

None declared.

- (b) **City Initiative for a change in Zoning for 130 Bay Street South (St. Mark's Church) (PDC99137(A))** (Item 2.1)

Christine Lee-Morrison, Community Planning and Development Division, provided an overview of the Staff report.

The Committee was advised that of the 1,253 notices mailed on this zoning change, 80 were received in favour, 13 were received in opposition, and 118 were returned unopened.

No Members of the Public were in attendance to speak on this matter.

- (c) **Adoption of Minutes – March 8, 2000** (Item 3)

That the Minutes of the Planning and Development Committee for its meeting held March 8, 2000 be adopted.

- (d) **Information Item** (Item 4.2)

That the following Information item be received:

Information Report from the Acting Commissioner, Department of Public Works and Traffic re: Barton Village Business Improvement Area (BIA) Revised Board of Management (PWT00071)



- (e) **Demolition of 21 St. Olga Street (PDC00046) and 23 St. Olga Street (PDC00047)** (Items 5.1 and 5.2)

The Committee agreed to deal with these two reports collectively.

The following persons appeared before the Committee on this matter:

- (i) Rt. Reverend R. Hankevych, Pastor, Holy Spirit Ukrainian Catholic Church, 15 Olga Street, Hamilton, read a letter (no date) that was sent to the Building Department requesting a demolition permit for 21 and 23 Olga Street for the purposes of creating a playground for the children of The Holy Spirit School. Reverend Hankevych also expressed concerns that the January 11, 2000 petition that was submitted to the Building Department requesting that demolition permits not be issued for these properties, contained the names of twenty-four citizens that are not parishioners of the Church and that at least three citizens signed their names more than once. Given that the petition constituted less than 10% of the 430 parishioners, he requested that the Committee grant approval to the demolition permits.
- (ii) Rous Hulchuck, 54 West Avenue North, Hamilton, a pioneer and long-time member of the Church, expressed her concerns that the two houses in question have been allowed to deteriorate and become run down and also expressed her concerns regarding the poor condition of the Church. Ms. Hulchuk supported the retention of these houses for use by the Junior Priest and his family.
- (iii) Ann DiCesare, 382 West 5<sup>th</sup> Street, Hamilton, advised the Committee that these houses are in good condition, are needed for the Junior Priest and should be retained. She did however, indicate her concerns that needed repairs have not been undertaken on these houses and the Church. Ms. DiCesare asked the Committee not to approve the demolition of these buildings as she was advised by the School that additional playground space was not required for the children, and the demolition of these buildings would result in lost revenues for the Church.



- (iv) Father Renaldo Kekis, 60 Gardenvale Road, Etobicoke, Dean for the area, advised the Committee that the costs to repair the houses would be too costly and asked that the demolition permits be approved to accommodate much needed playground space for the children and parking for the Church.
- (v) James Procyk, 401 St. Andrews Drive, Hamilton, read the recent article that appeared in The Hamilton Spectator on this matter and indicated that the Parish Council, at its meeting held November 28, 1999 approved that these buildings should be demolished and felt that more room for a playground for the children was a valid reason to demolish these buildings. Mr. Procyk added that the Junior Priest could be housed at another location.
- (vi) Mr. W. Sadiwskyj, 153 Burrwood Drive, Hamilton, Secretary of the Church Committee for the past six years, expressed his support for the retention of these buildings. Mr. Sadiwskyj indicated that the houses' exterior appears to be in good condition and would be a convenient location to house the Junior Priest and questioned the need to spend more money on a house for the Junior Priest when a house already exists on the site. Mr. Sadiwskyj suggested that the Bishop and the Parish Members meet to resolve this matter peacefully.
- (vii) Mr. P. Mizibrocky, 202 Ottawa Street South, Hamilton, Chair of the Church Committee for the last twenty years, expressed his disappointment that this matter has come this far given that the houses were initially purchased for use as a parking lot and playground. Mr. Mizibrocky expressed his concerns that on a busy day, children are playing in amongst the vehicles and that it would cost too much to repair these houses.
- (viii) Roman Farenech, 77 Graham Avenue South, Hamilton, Member of the Church for approximately thirty years, supported the demolition of the houses for an expanded playground.



Alderman D'Amico also advised the Committee that he received a facsimile dated March 21, 2000 from Elena Lazar expressing concerns that if the buildings are to be demolished that the project be done properly and in a timely manner, so that the land is not left vacant, unused and unkept. Peter Lampman, Building Department, reported that the portion of the lot recommended for conversion to a parking lot would be subject to Site Plan Control, but that the playground area would not.

The Committee approved Reports PDC00046 and PDC00047 as distributed with the agenda. Alderman Copps wished to be recorded as opposed.

(f) **Auchmar, 88 Fennell Avenue West - Heritage Easement Agreement (PDC99098(C)) (Item 6)**

It was moved by Alderman Charters and seconded by Alderman Copps that the Committee approve the expenditure of \$10,000 as identified in Report PDC99098(C).

Some concerns were raised by the Members of the Committee that also serve on the Local Architectural Conservation Advisory Committee on how the Ontario Heritage Foundation came up with the figure of \$10,000. So as not to hold this matter up any further, the Committee agreed to proceed with the recommendation but asked Staff to prepare an Information Report clarifying this matter prior to the City Council meeting on March 28, 2000.

Alderman Caplan wished to be recorded as opposed.

(g) **Introduction of New Staff Person - Legal Services and Corporate Counsel (Item 7)**

Art Zuidema introduced Nancy Smith who will be replacing him as the Legal Services and Corporate Counsel resource to the Community Planning and Development Division and the Planning and Development Committee.

(h) **Staff Report on Pool Tables in Businesses/Restaurants Requested (Item 7)**

For the next meeting, Alderman Charters requested Staff to bring back a report and By-law respecting the use of pool tables in businesses/restaurants, etc.



(i) **Update Requested re: Homes on Biggar Avenue (Item 7)**

Alderman Haining requested that Community Planning and Development Division Staff provide him with information on the status of zoning and future plans for the fourteen remaining homes on Biggar Avenue that are currently zoned "K".

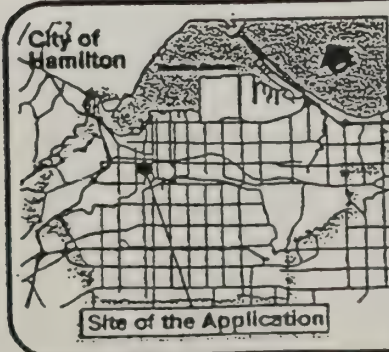
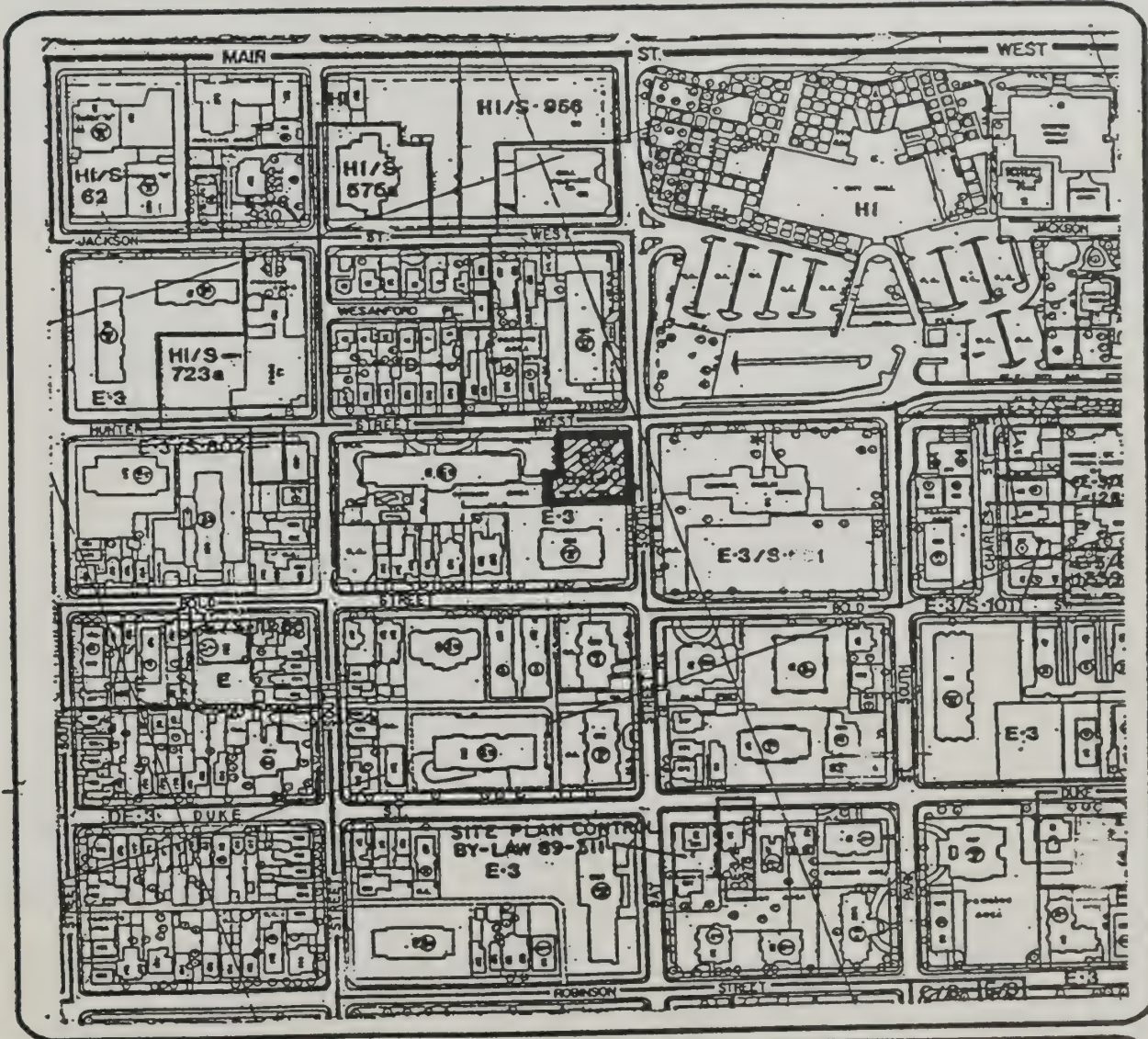
Note: The meeting of the Planning and Development Committee adjourned at 11:06 a.m.

**Alderman F. D'Amico, Chairperson  
Planning and Development Committee**

**Charlene Touzel, Legislative Assistant  
March 22, 2000**




Appendix "A" as referred to in Section 1  
of Report 06-00 and of the Minutes of the  
Planning and Development Committee  
for its meeting held March 22, 2000



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

- PROPOSED CHANGE IN ZONING:**
-  From "E-3" (High Density Multiple Dwellings) District, modified, to "A" (Conservation, Open Space, Park and Recreation) District, modified

Reference file:  
**C1-00-A**

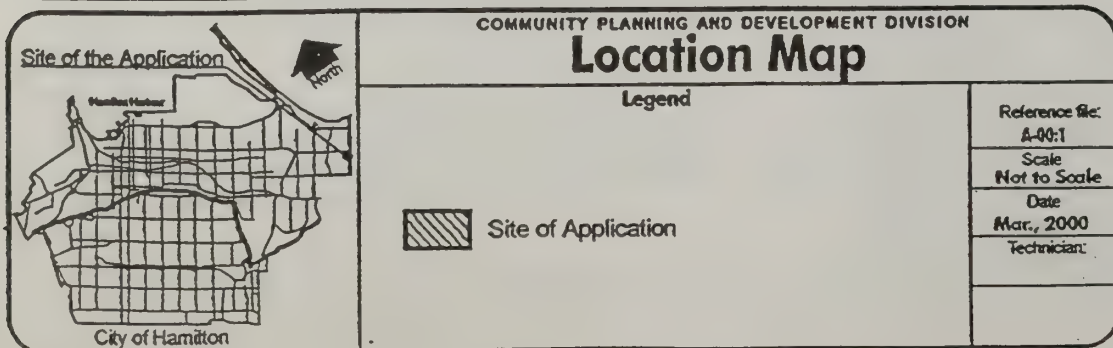
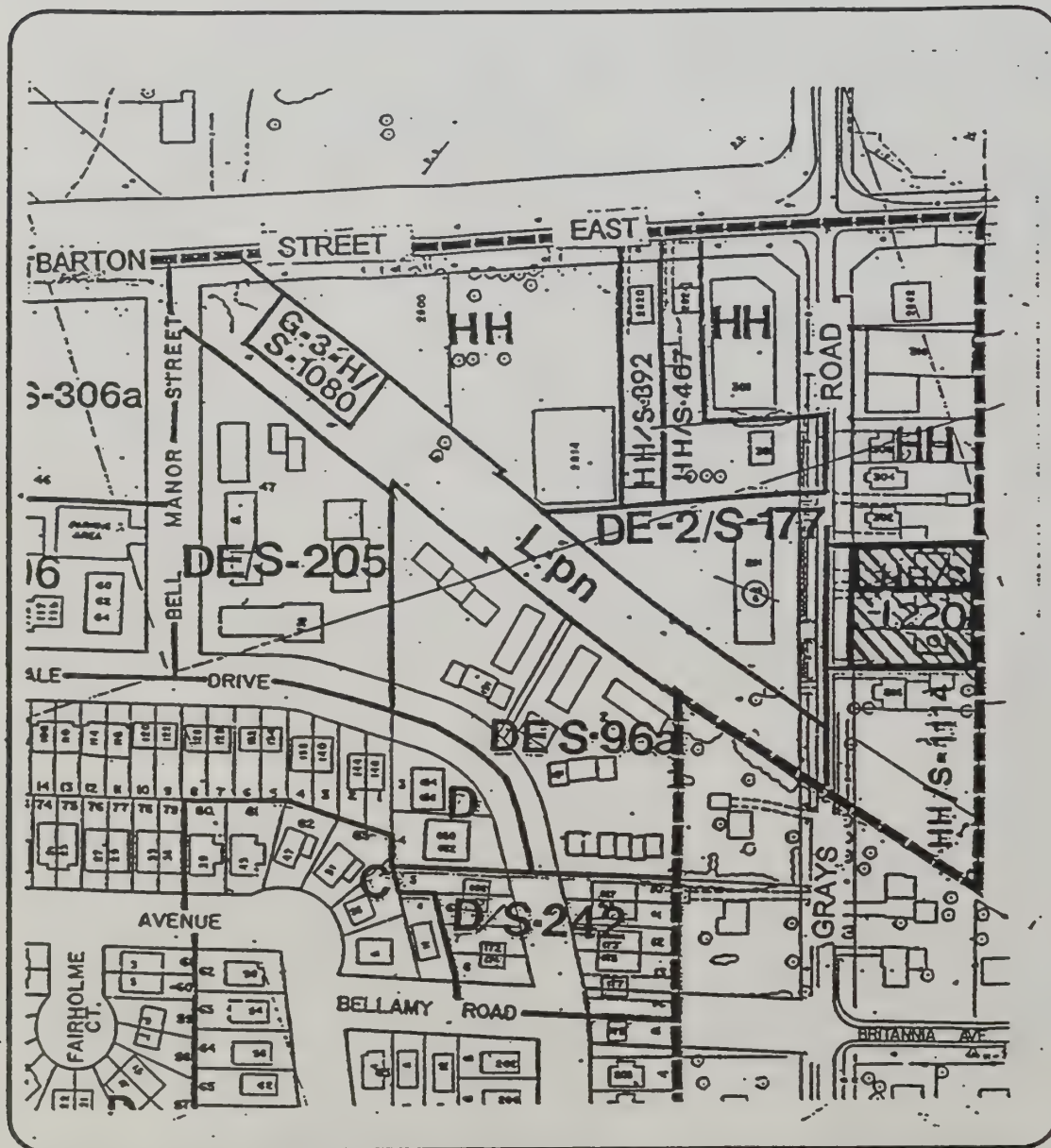
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Date  
**Feb, 1999**

Technician:  
**D.L.**



Appendix "B" as referred to in Section 2  
of Report 06-00 and of the Minutes of the  
Planning and Development Committee  
for its meeting held March 22, 2000





## CITY OF HAMILTON

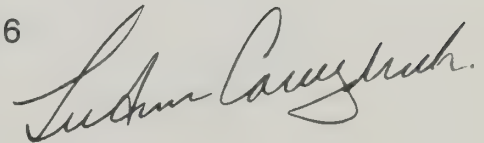
## - RECOMMENDATION -

**DATE:** 2000 March 15

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
15 DIVISION STREET - Tag Number 00142816  
(00.1.1.A) (PDC-00060)

**RECOMMENDATION:**

- a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 15 Division Street in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 15 Division Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C (Map E-63)

**PRESENT USE:** Single Family Dwelling


**PROPOSED USE:** Parking Lot for Church

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and merge these lands with the existing church located at 1415 Barton Street East for the purpose of providing additional parking for the church. As of this date, the required site plan application has not been submitted to the Community Planning and Development Division. This property is located in the Homeside Neighbourhood and is located in Ward 4 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 7.62m x 28.96m.



The owner of the property as per the demolition permit is:

St. Nicholas Church  
1415 Barton Street East  
Hamilton, Ontario  
L8H 2W6

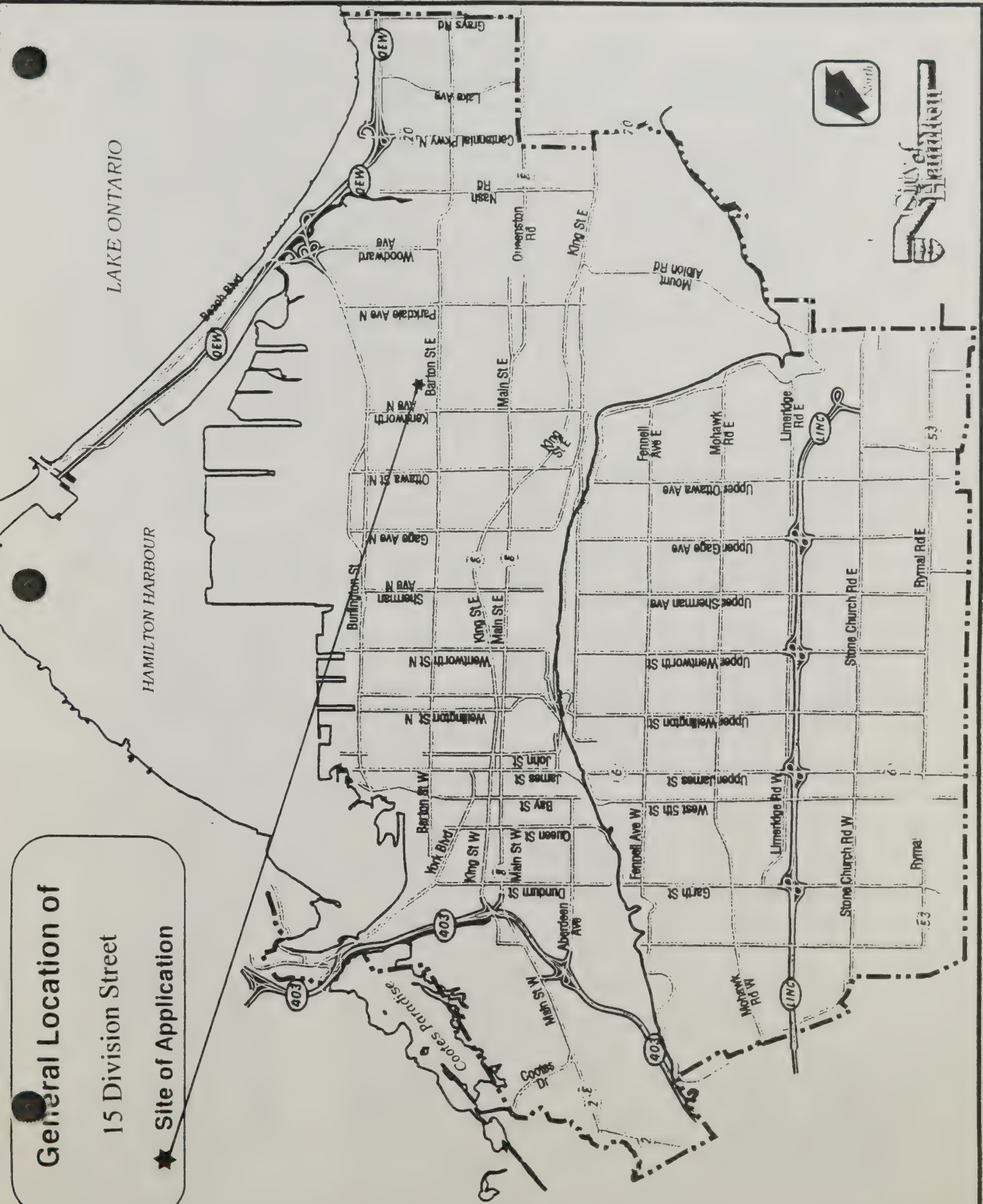
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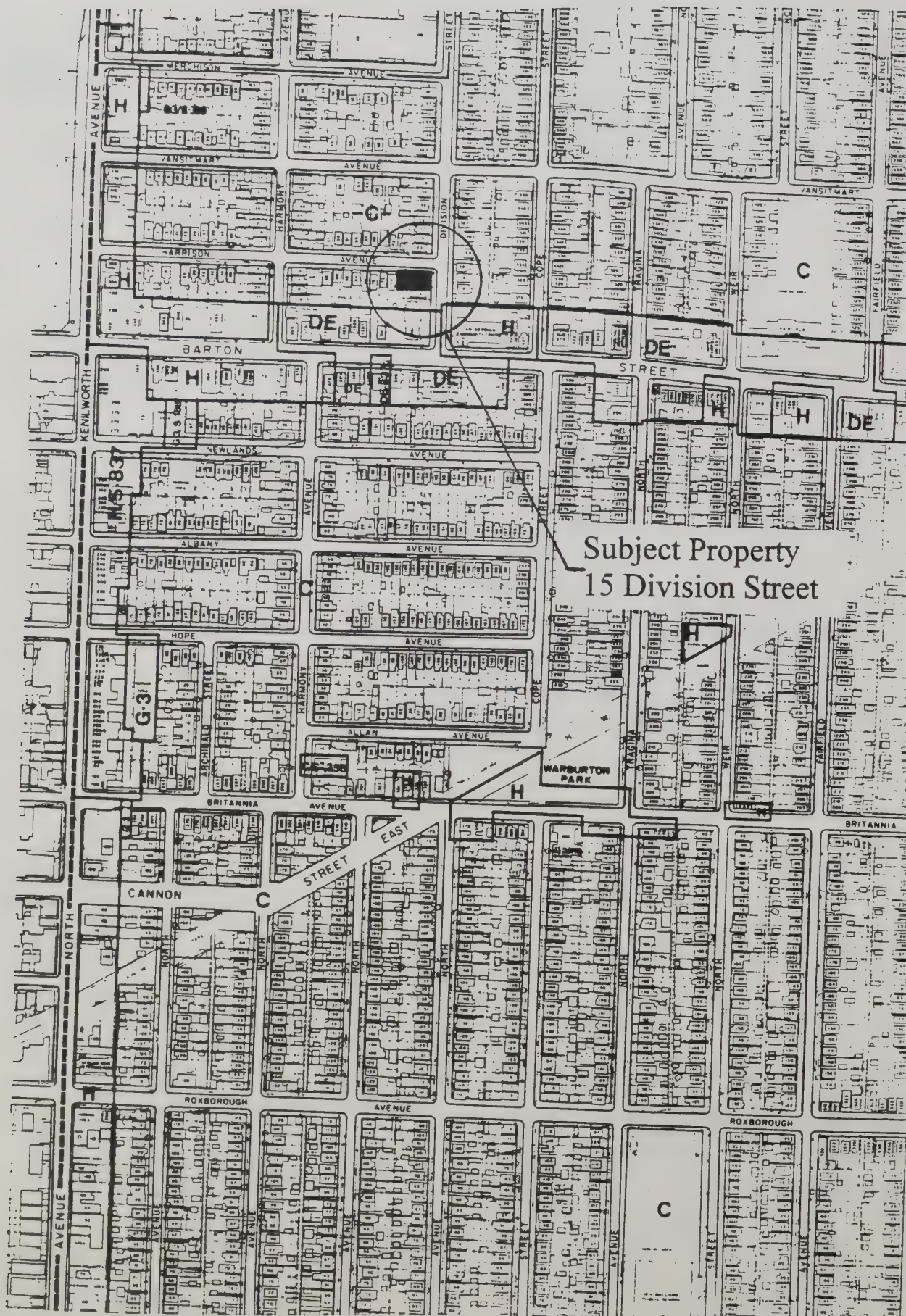
# General Location of

15 Division Street

★ Site of Application







Subject Property  
15 Division Street



4.2

CITY OF HAMILTON

- RECOMMENDATION -

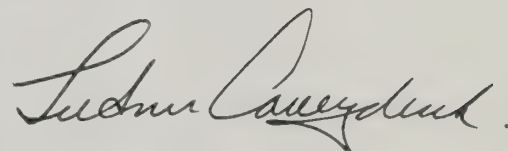
DATE: 2000 March 15

REPORT TO: Chairman and Members  
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

SUBJECT: Demolition of:  
74 HARRISON STREET - Tag Number 00142814  
(00.1.1.A) (PDC-00061)

RECOMMENDATION:



- a) That subject to the requirements below, the Building Commissioner be authorized to accept an application for a demolition permit for the building located at 74 Harrison Street in accordance with Demolition Control By-Law 74-290 pursuant to the Demolition control provisions of the Planning Act (sec.33); and,
- b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 74 Harrison Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-63)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot for Church

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and merge these lands with the existing church located at 1415 Barton Street East for the purpose of providing additional parking for the church. As of this date, the required site plan application has not been submitted to the Community Planning and Development Division. This property is located in the Homeside Neighbourhood and is located in Ward 4 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 7.62m x 30.48m .



The owner of the property as per the demolition permit is:

St. Nicholas Church  
1415 Barton Street East  
Hamilton, Ontario  
L8H 2W6

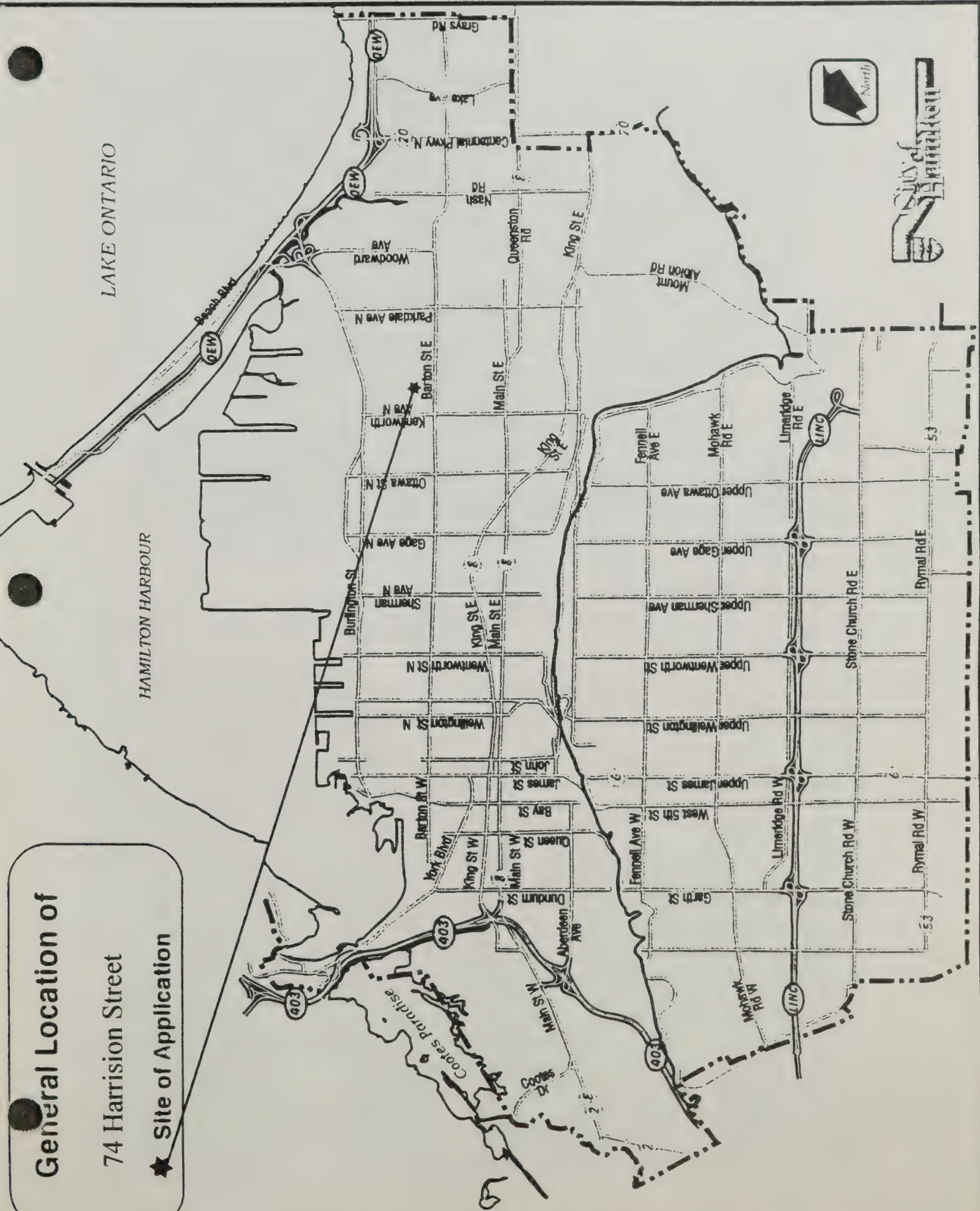
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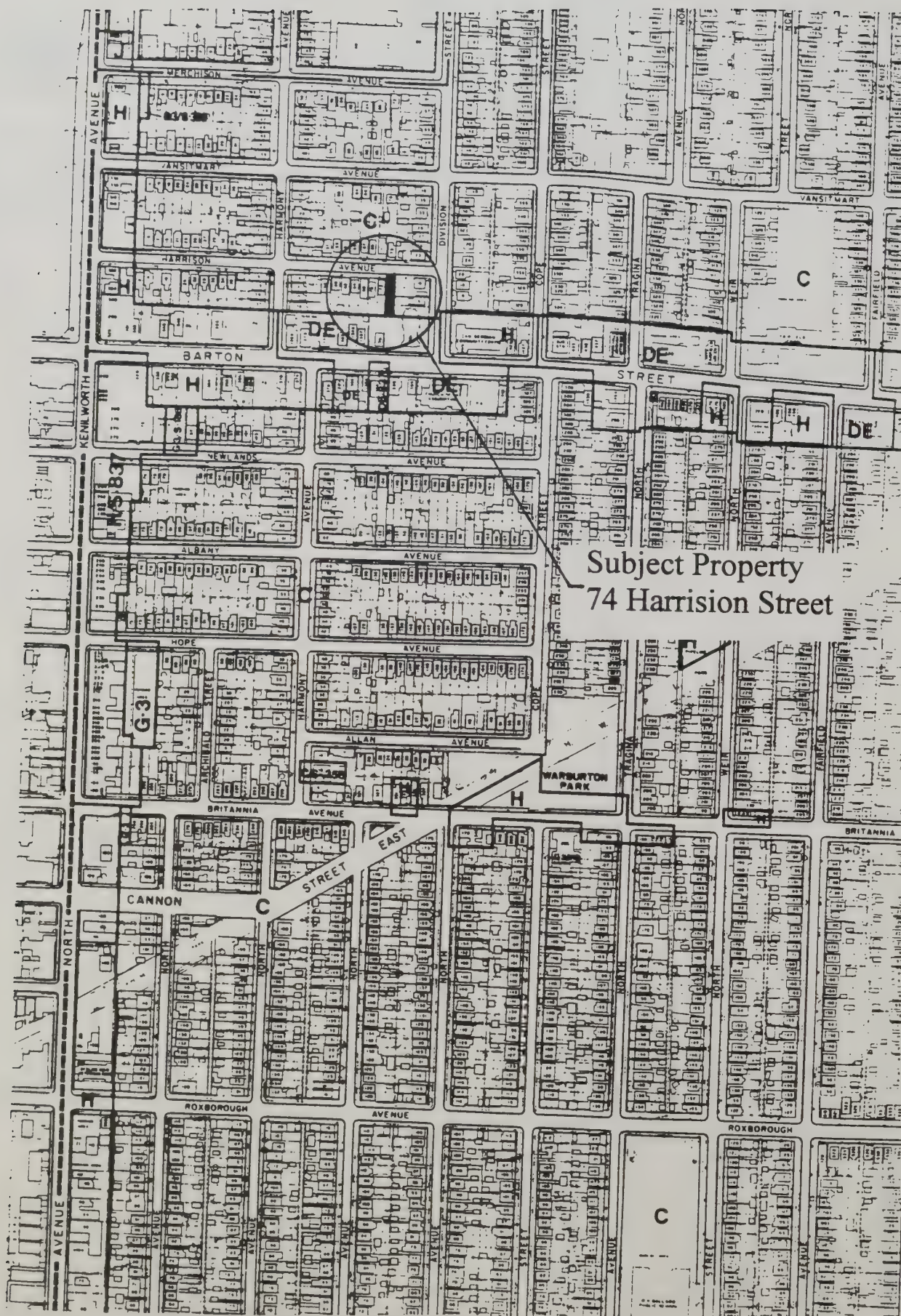
# General Location of

74 Harrison Street

★ Site of Application







Subject Property  
74 Harrison Street



4.3

CITY OF HAMILTON

- RECOMMENDATION -

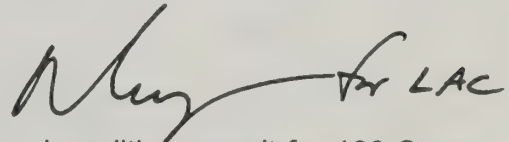
**DATE:** 2000 March 15

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
163 STONE CHURCH ROAD EAST - Tag Number 00142811  
(00.1.1.A) (PDC-00062)

**RECOMMENDATION:**

A handwritten signature in black ink, appearing to read 'Lee Ann Coveyduck', followed by the text 'for LAC'.

That the Building Commissioner be authorized to issue a demolition permit for 163 Stone Church Road East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C (Map E-9C)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling Development

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing one storey single family dwelling and redevelop the lands under a plan of subdivision. As of this date, an application has not been submitted for a plan of subdivision. This property is located in the Jerome Neighbourhood and is located in Ward 7 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 35.63m x 150.88m.

The owner of the property as per the demolition permit is:

Sam Cosentino  
50 Limeridge Road West  
Hamilton, Ontario L9C 2V1

FP/zr



163 Stone Church Road E.

LAKE ONTARIO

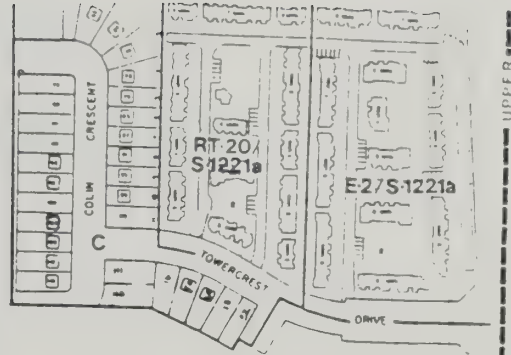
HAMILTON HARBOUR



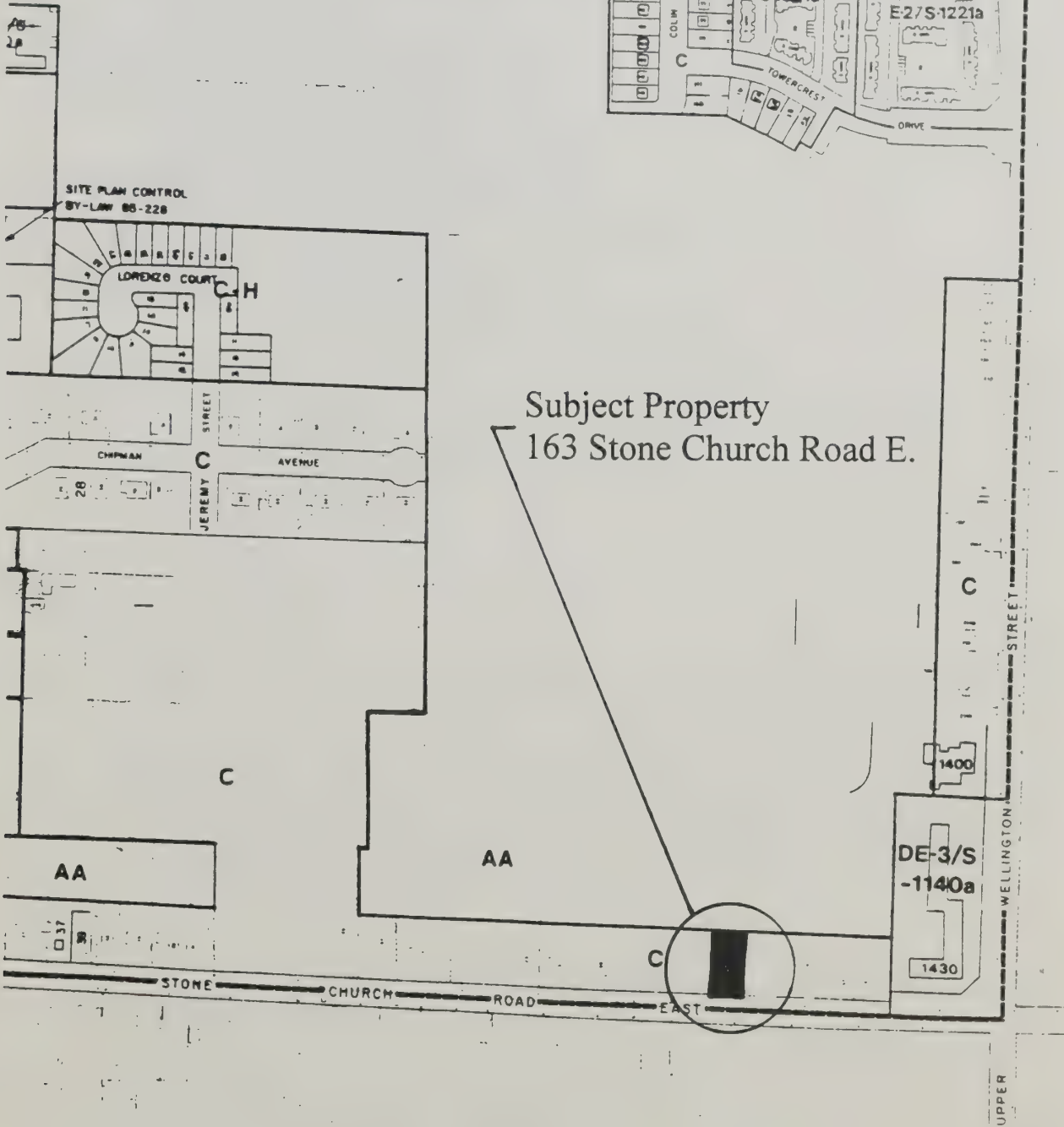
# 25th Anniversary



AA



SITE PLAN CONTROL  
BY-LAW 86-228



Subject Property  
163 Stone Church Road E.

AA

AA

DE-3/S  
-1140a

1430

1400

STONE CHURCH ROAD EAST

UPPER

UPPER







5.1

## CITY OF HAMILTON

### -RECOMMENDATION-

**DATE:** March 23, 2000  
(P5-2-132)  
Vincent Neighbourhood

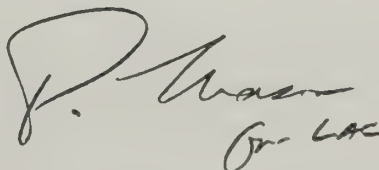
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Amendment to the Approved Vincent Neighbourhood Plan –  
Proposed Deletion of the Walkway Located Between  
166 and 170 St. Andrews Drive  
(PDC 00064)

#### RECOMMENDATIONS:

- a) That the Approved Vincent Neighbourhood Plan be amended by deleting the walkway located between 166 and 170 St. Andrews Drive; and,
- b) That the closure and disposal of the walkway located between 166 and 170 St. Andrews Drive in the Vincent Neighbourhood Plan, as shown on the attached APPENDIX "A", be referred to the Transport and Environment Committee for implementation.



J. P. Mason  
Gr. LAC

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The recommendations do not require Transition Board Approval. The City of Hamilton Official Plan requires public participation in the consideration of Neighbourhood Plan Amendments. Council approval is required for all Neighbourhood Plan Amendments.



## **BACKGROUND:**

The walkway is located between 166 and 170 St. Andrews Drive, within the Vincent Neighbourhood. The walkway was part of the original Vincent Neighbourhood Plan which was approved in 1967. The public walkway was built in 1971 as part of registered plan of subdivision (Block "Y", Plan 62M-64). As a condition of subdivision approval, the walkway was dedicated to the City and has been used as a walkway since that time. The walkway is 3.05m (10 ft.) wide and 52.43m (172+ft.) deep.

In November 1999, an adjoining owner approached the Ward 5 Aldermen regarding the closure of the subject walkway. The City's Planning and Development Committee subsequently directed staff to undertake a modified Neighbourhood Plan Review, to review the request for the closure of the subject walkway.

### **Circulation of Proposed Neighbourhood Plan Amendment to Agencies and Departments:**

The following Departments had no comments or objections to the proposed Neighbourhood Plan Amendment:

- Hamilton-Wentworth Separate School Board
- Hamilton-Wentworth District School Board
- Land Development Department, Community Planning & Development Division
- Real Estate Legal, Corporate Services Division
- Public Works and Traffic Department, Transportation Operations & Environment Division

The Public Transit Section of the Region of Hamilton-Wentworth Transportation Department advises:

"There is presently transit service available on Greenhill Ave. No changes in bus service are planned.

In most cases the HSR would object to the removal of a walkway since reducing accessibility to customers discourages transit use. However, in this situation we do not object to the closure of this walkway given that the existing and future access to transit is not affected.

This area meets walking distance guidelines that specify that 95% of transit customers be within 400m of an existing bus stop, regardless of the walkway. Accessibility to the nearest route is very good, due to the existing barrier free sidewalks."



The Hamilton-Wentworth Regional Police Service, Division Two Crime Analyst advised verbally:

- The closure of the walkway is a benefit to the neighbourhood as it will cut down on crime.
- The walkway is located within beat 641.
- No information (taken from reports filed between June and December of 1999) has been found in this area with regard to noise disturbances, gang activity, loitering, youth problems, disorderly conduct, trespassing, assault and mischief.
- There have been no special attentions needed in this area (checked from 1997).
- The monitoring system which tracks all calls for service shows no activity (between January 1999 and January 2000) for this walkway.
- This could be because the walkway has no address or that there simply had been no calls reported there.

### **Public Participation**

On February 21, 2000, a Public Information Meeting was held to consider the walkway closure. Notices were sent to residents and owners in the vicinity of the walkway and written submissions had been requested. One resident attended the information meeting. Comments by the owner at 166 St. Andrews Drive (Mr. Rudd) included:

- problems with neighbourhood residents dumping of garden waste;
- garbage;
- people teasing his dog;
- throwing of bottles;
- walkway not being used by residents; and,
- the walkway being a hangout for kids.

No other written submissions were received by the March 10<sup>th</sup> deadline.

### Verbal Conversations:

Upon request for information from the abutting property owners, the following verbal information was received from the adjoining neighbours.

- Mr. Cordirro, co-owner of 170 St. Andrews Drive, had spoken to Mr. Rudd and he too had the same comments and concerns. He indicated he would like to see the walkway closed, but did not want any of the land, or pay for any of the costs involved in closing the walkway.
- Mr. Pupi, owner at 30 Glen Park Court also had the same comments and concerns. He indicated he is interested in acquiring the land provided his property taxes do not increase.



- Two residents north of the walkway expressed concerns about the path between the townhouse units. It seems that a gate at the end of the end unit (No. 152) of the townhouse block has caused some concern to the owner of that unit and another resident in that block with regard to access to their backyards.

#### **COMMENTS:**

While pedestrian access is encouraged in Neighbourhood Plans, from a neighbourhood planning perspective this walkway should be closed based on the following:

- The walkway is not an essential link to the open space area. There are alternate access points to the open space area along Greenhill Avenue and Albright Road;
- The open space area at the end of the walkway drops off suddenly and it is potentially dangerous for those wishing to use it;
- The walkway has created various problems with abutting residents including garbage and broken bottles;
- There is no municipal interest for the walkway identified;
- It is not an essential linkage to other land uses, schools or transit stops; and,
- Personal safety is a concern with the long and narrow walkways.

#### **CONCLUSION:**

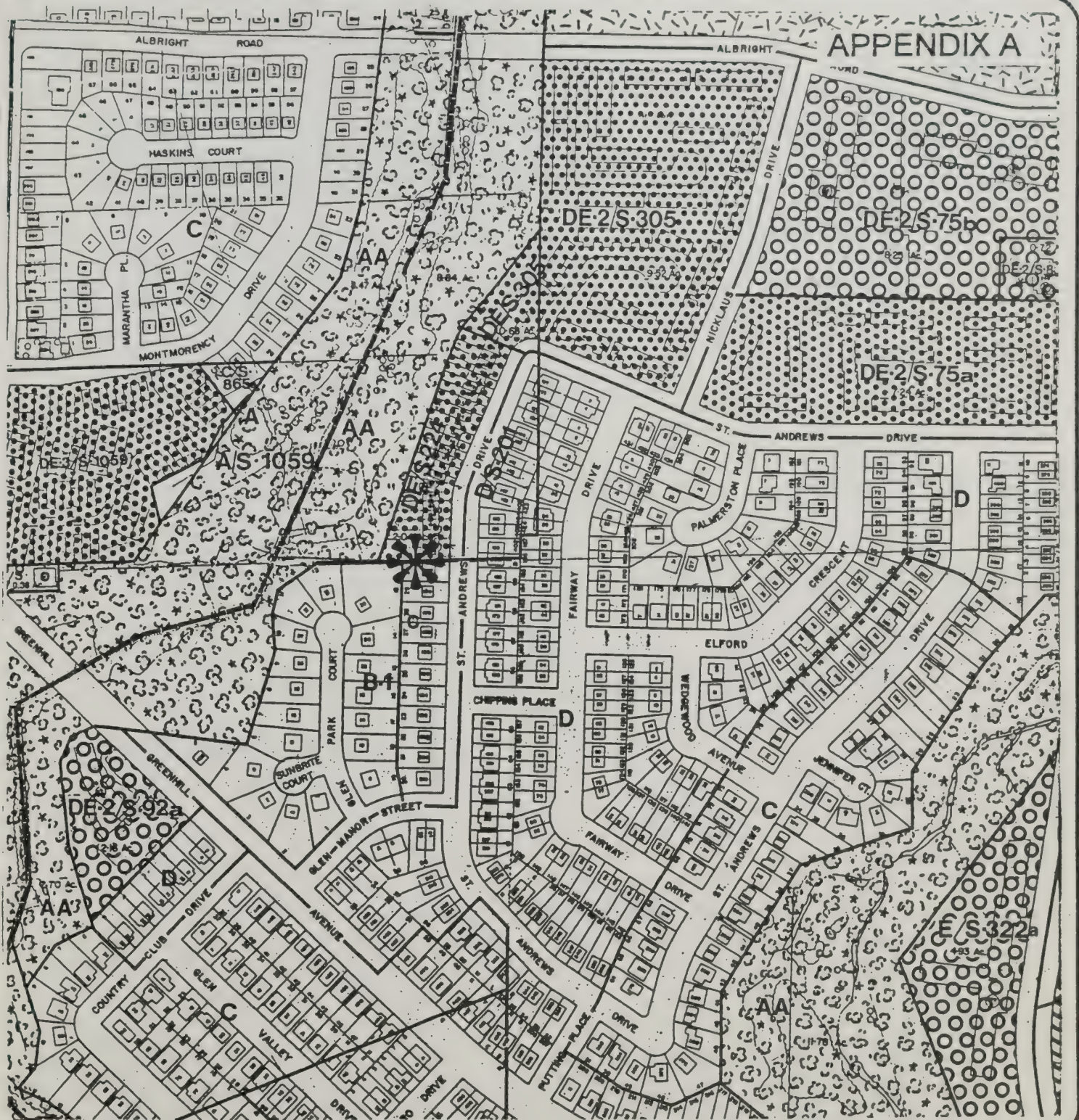
While pedestrian accesses are encouraged in Neighbourhood Plans, based on the above comments, this walkway should be closed.

Once the amendment to remove the walkway from the Vincent Neighbourhood Plan is approved, it will be referred by Council to the Transport and Environment Committee to implement the closure of the walkway.

RL/rl



# APPENDIX A



City of Hamilton



Site of the Proposal

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Proposed Neighbourhood Plan  
Amendment to delete walkway.

Reference file:

**P5-2-132**

Scale

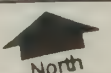
**Not to Scale**

Date

**January 2000**

Technician:

**R.L.**



North







6.

# Facsimile Cover Sheet

**To:** Tina Agnello  
**Company:** Planning & Development Ctee  
Hamilton, City Hall  
**Phone:** 1-905-546-2729  
**Fax:** 1-905-546-2095

**From:** Richard Diggins  
**Home phone:** (905) 529-4715  
**Office phone:** (519) 888-3900 x2227  
**Home fax:** (905) 529-4715  
**Work fax:** (519) 888-3179  
**Home email (home):** R\_diggins@hotmail.com  
**Work email:** richard.diggins@clarica.com  
**Date:** March 22, 2000  
**Pages including this cover page:** 5

OFFICE OF THE MUNICIPAL CLERK	
MAR 23 2000	
FILED BY <i>SC</i>	DATE <i>Mar 25</i>
FILED TO <i>CT</i>	DATE
FILED BY <i>TA</i>	DATE
REMARKS	

## Comments:

I am hereby requesting to appear as a delegation at the April 5, 2000 Planning & Development Committee, in which 'cash in lieu' parking will be discussed for the properties of 210-214 Locke Street which are not in compliance with Hamilton's parking by-laws.

See the attached December 6, 1999, Ontario Municipal Board Decision (#2213), in which the OMB ordered that "additional seating must be provided" in order for the West Town restaurant to double in size. My reasons for requesting to appear as delegation are to ensure this decision has been considered and to remind all parties of the responsibility of the municipality to enforce it, as appropriate.

Sincerely

*Richard Diggins*

Richard Diggins



ISSUE DATE:

Dec. 6, 1999  
DECISION/ORDER NO.  
2213



PL990769

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

Richard Diggins has appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton Committee of Adjustment which granted an application by Joe Stanicak numbered A-99:105 for variance from the provisions of By-law 6593 respecting 210-214 Locke Street South, Hamilton  
O.M.B. File No. V990377

**A P P E A R A N C E S :**

Parties

Richard Diggins

Joe Stanicak

Counsel or Agents

**DECISION DELIVERED BY B.W. KRUSHELNICKI AND ORDER OF THE BOARD**

Joe Stanicak owns a popular and successful restaurant and bar in an area of Hamilton's downtown west end that lately has been undergoing a business revitalization. He would like to increase the size of the restaurant by expanding into a neighbouring business that has recently become available. The restaurant he now owns seats 47 people (previously reported as 50), but only three parking spaces are available, a matter that puts his use out of compliance with the City's by-law requirement of one parking space for every six seats. His use pre-dates the by-law and he enjoys a legal non-conforming status. With the addition he is especially interested in providing a separate space that will allow him to comply with the Region's new smoking by-law which will eventually require that he provide a separately ventilated non-smoking area.

Mr. Stanicak says also that he leases an additional 12 parking spaces near the restaurant which he makes available for customer parking. However, this does not bring him into compliance since the lease is a casual one, without term, and the City requires that the prescribed spaces be owned by the applicant. The neighbours also claim that the lot in which these spaces are provided is not clearly signed as being available for customer use.

His expansion plan was originally for an additional 80 seats which would require at least an additional 12 or 13 parking spaces. However, the Committee in granting his



application, pared back the number of seats by way of a condition limiting the addition to 65 seats for a total, that they calculated, of 115 seats with only the existing parking (three spots) provided. This satisfied him and he defends this proposal to the Board.

Mr. Stanicak was supported in his proposal by other businessmen on the street and another from elsewhere in the City. They say that the area is now recovering from being a shabby downtown business street to one with a growing and popular business population. Many of the buildings are now occupied by antique shops catering to the weekend crowd. Others are being renovated by the landlords, and the area is once again becoming a bustling commercial zone rather than the deteriorated, drug area that they say it had once been. They urge the Board to regard this as part of the revitalization of the area, and say that it should not be thwarted by a failure to comply strictly with the by-law.

The neighbours of the area oppose the proposal. They say that the effect of the revitalization, including Mr. Stanicak's popular business, is a mixed blessing. On the one hand there is a revitalization, but on the other the area is becoming busier, noisier and much more congested. Their main claim is that the restaurant and the other uses are posing serious parking and traffic problems that spill onto the adjacent residential streets. The commercial area is bordered by downtown homes immediately to the rear and the patrons of the area businesses circulate through their residential areas, take up valuable parking spaces and cause congestion and awkward parking arrangements that are a nuisance to the full-time residents of the area. It is often difficult to get a space near one's home and the visitors' parking can often block residential parking spaces.

Like other older residential areas, many of the homes were developed without on-site parking in the form of driveways at the side. Some of the residents have sought front yard parking permission, although this is limited, and others threaten to lobby for a permit parking system on the streets. The applicant notes for the Board that this area was developed with rear lanes with rear access to backyard parking and garages, but that many of the residents have chosen not to make use of this. He thinks it would be unfair for him to provide on-site parking while the home owners make no use of the parking opportunities that now exist. The residents say that they do not make use of these rear laneway areas for good reason. They are unsafe and poorly maintained, accessibility is often restricted or difficult, and many prefer to make alternative use of their rear amenity areas.

The neighbours also argue that the increase in business, coupled with the parking and congestion altogether result in other nuisances such as late night car noises, reverie



by jubilant patrons leaving the restaurant/bar, and a general disregard by the visiting patrons for the residents in this otherwise quiet neighbourhood. Mr. Stanicak argues that he aims for a family-oriented business, something that the addition will encourage.

This has come to the Board as an application for variance which has been altered somewhat by the Committee, and with the consent of the applicant, to an additional seating of 65 persons without proper parking. The four tests provided by the *Planning Act* require that the application be proven to be minor in its impact, maintain the intent of the Official Plan and the by-law, and that the development be appropriate and desirable.

The Board finds on the evidence that the impact will not be minor and that the intent of the by-law is not maintained. Although the impact is one that is part of the general improvement and revitalization of the area, there is an impact, it is cumulative and it must be dealt with as the impact grows. The provision of parking is meant to mitigate the impacts of businesses that cater to visitors with vehicles, so as to minimize the burden that the permanent residents of the area must endure. This is clear.

The by-law does not intend to thwart new development or redevelopment, but rather to ensure that, as it takes place, proper measures are put in place to lessen the effect that additional commercial activity will have. It is not unreasonable, even in an area such as Locke Street south - a long standing business area - that as the area becomes busier, more parking be developed along with the businesses. This is not an attempt to thwart business or its redevelopment, but rather to properly accommodate it in a way that allows it to be more compatible with the surrounding - equally long standing - neighbourhood uses. Neither is it unreasonable that the businesses that benefit from the commercial regeneration bear the burden of providing this parking as the by-law requires.

This is undoubtedly also the intent of the commenting agencies, some of whom have expressed concern over the proposal.

The Board concludes firmly that the intent of the by-law is not kept.

The Board also concludes that the doubling of the seating cannot be considered minor in its impact. It is true that the shop that is being redeveloped as part of the expansion caused some parking demand now simply being taken up by the restaurant expansion. This, however, is not a reason in itself to completely ignore the by-law and exempt a use that has generated, and will undoubtedly continue to generate, a significant and most probably an increased parking demand.

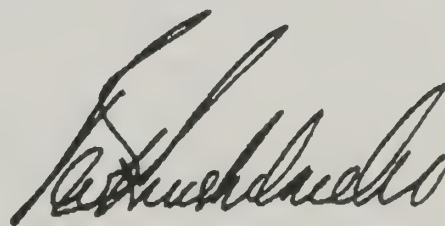


I agree with the residents and the City officials that the provision of leased parking is not sufficient. This provides no guarantees, especially given the lack of commitment offered even by a lease with term, and the poor signage. The only proper solution as contemplated by the by-law is that with the additional seating there must be provided additional parking. This is especially true given the exemption from parking offered by the existing legal, non-conforming use.

For these reasons, the Board will allow the appeal and will not grant the variance in the original application or as modified to comply with the Committee's decision.

---

The Board so orders.

A handwritten signature in black ink, appearing to read 'B.W. Krushelnicki', written in a cursive style.

B.W. KRUSHELNICKI  
MEMBER







# CITY OF HAMILTON

6.

## - RECOMMENDATION -

**DATE:** 2000 March 17  
CLP-00-01  
Kirkendall North Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning & Development Division

**SUBJECT:** Cash-in-Lieu of Parking – 210-214 Locke Street South  
CLP-00-01 (PDC00058)

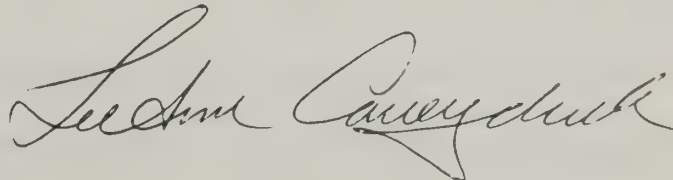
### RECOMMENDATION:

That the application by Joe Stanicak for the building at 210-214 Locke Street South, as shown on the attached map marked as APPENDIX "A", for the payment of Cash-in-lieu for 8 parking spaces be **DENIED** for the following reasons:

- (a) The Parking Services Section of the Public Works & Traffic Department has no plans to establish municipal parking in the immediate vicinity of the proposal.
- (b) The demand for commercial parking will result in spill-over parking into the adjacent residential area.
- (c) Planning and traffic objectives are not satisfied.
- (d) The proposal conflicts with the decision of the Ontario Municipal Board to deny a variance for expansion of the restaurant without the provision of additional parking.

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Pursuant to Section 40 of The Planning Act, Council approval is required for Cash-in-lieu of Parking. The City will not collect approximately \$20,400 for the Cash-in-lieu fund at a minimum 50% payment requirement.



### BACKGROUND:

- **Proposal**

The applicant has applied under Section 40 of The Planning Act for payment of cash-in-lieu for 8 parking spaces in order to permit the expansion of an existing 47 seat restaurant by



adding 48 seats for a total of 95 seats. Presently, only 3 parking spaces are available and the existing restaurant is legal non-conforming. It is understood that the proposed expansion is to provide a separately ventilated non-smoking area to comply with the Region's new smoking by-law.

- **Committee of Adjustment**

At its meeting of June 16, 1999, the Committee of Adjustment Tabled an application by the proponent to expand the existing restaurant for an additional seating capacity of 80 seats for a new total of 130 seats notwithstanding that only 3 of the minimum 27 required parking spaces (22 for the expanded restaurant and 5 spaces for the existing 2<sup>nd</sup> floor apartments) would be provided.

Planning staff recommended denial of the application on the basis that the requested relief was not minor in nature or inkeeping with the intent of the Zoning By-law, and the proposal had the potential of creating adverse impacts such as spill-over parking into the adjacent residential area. Similarly, the Traffic Department did not support the application as it would result in the spill-over of commercial parking into the adjacent residential area.

On July 7, 1999, the Committee granted the application subject to the following condition (see APPENDIX "B"):

"That the expanded seating capacity be restricted to a maximum of 65 seats, instead of the requested 80 seats, for a new total of 115 seats."

The decision of the Committee was subsequently appealed by area residents to the Ontario Municipal Board.

- **OMB Decision**

In its decision dated December 6, 1999, the Board allowed the appeal by area residents and did not grant the variance in the original application or as modified to comply with the Committee of Adjustment's decision.

The following excerpts summarize the Boards findings (see APPENDIX "C" for full decision):

**"The Board finds on evidence that the impact will not be minor and that the intent of the by-law is not maintained..."**

**The Board concludes firmly that the intent of the by-law is not kept...**

**The Board also concludes that the doubling of the seating cannot be considered minor in impact...**

**The only proper solution as contemplated by the by-law is that with the additional seating there must be provided additional parking. This is especially true given the exemption from parking offered by the existing legal, non-conforming use..."**



**COMMENT:**

The Cash-in-lieu of Parking Committee received the submission and recommended denial of the application for the following reasons:

- Current parking in the area is at capacity and cannot accommodate additional vehicles. The closest Municipal parking lot is located on King Street, east of Locke Street and has been recently declared surplus to municipal needs. In this regard, Parking Services has no plans to establish municipal parking in the immediate vicinity of the proposal.
- The additional demand for commercial parking space(s) will result in spill-over parking into the adjoining residential area.
- Planning and traffic objectives are not satisfied.
- The request conflicts with the decision of the Ontario Municipal Board to allow the appeal against the Committee of Adjustment's decision to approve a variance in parking (A-99:105 see BACKGROUND) to permit the expansion of the subject restaurant.

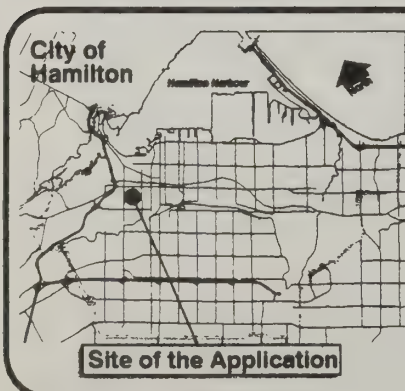
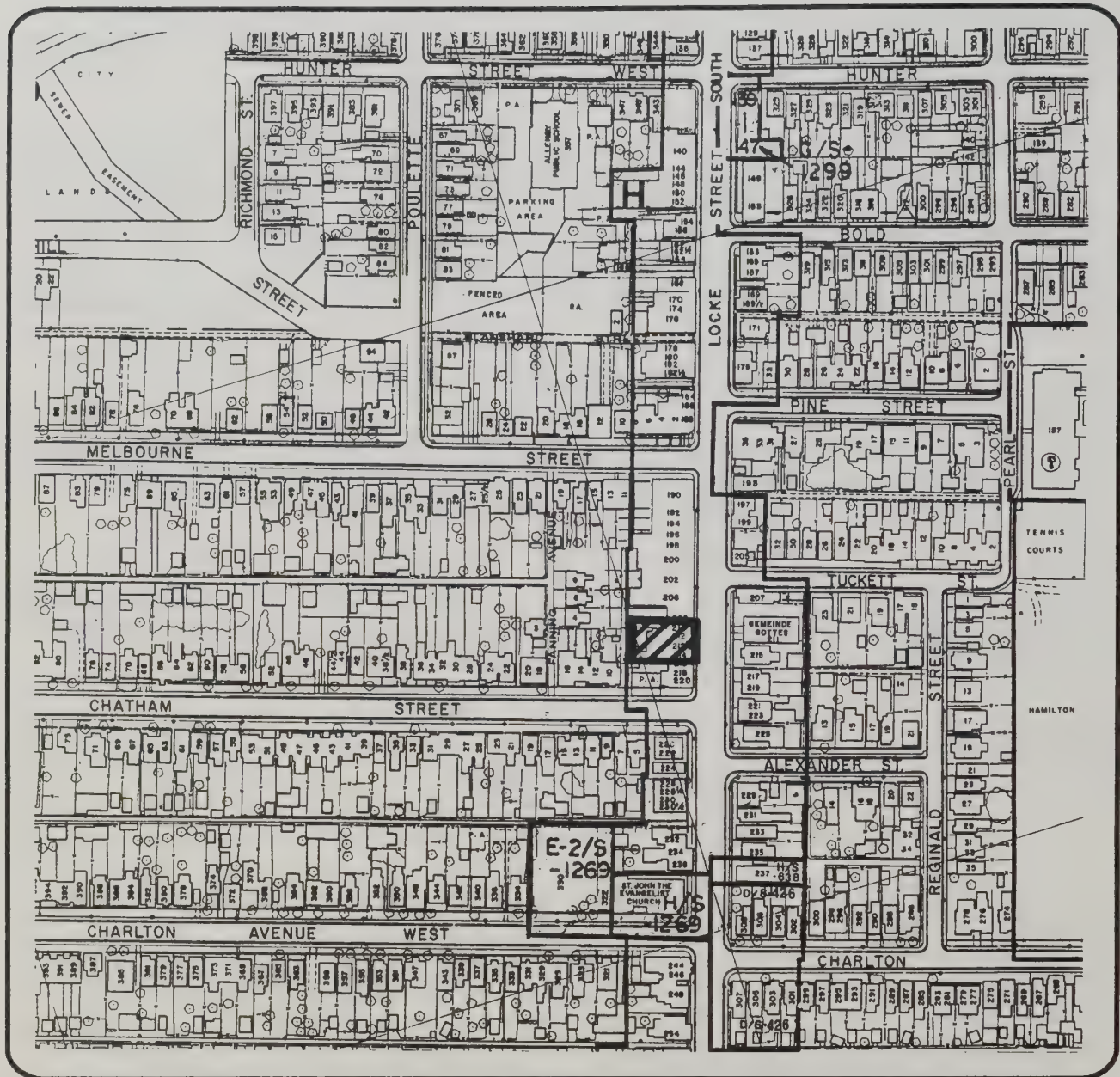
For the information of the Committee, the cost of cash-in-lieu for the 8 parking spaces has been established at \$40,800. Consistent with the cash-in-lieu policy, payments made by proponents will not be less than 50% of the total cost to be provided (i.e. \$20,400).

**CONCLUSION:**

Based on the foregoing, the application should be denied.

PDM/mm





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Subject Lands

Reference file:  
**CPL-00-01**

Scale  
**Not to Scale**

Date  
**Mar. 2000**

Technician:  
**BB**



**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. A-99:105**  
**SUBMISSION NO. A-105/99**

**IN THE MATTER OF** The Planning Act, 1990 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 14(1) and 18A(1)

**AND IN THE MATTER OF** Premises municipally known as 210-214 Locke Street South, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a "H" (Commercial) district;

**AND IN THE MATTER OF AN APPLICATION** by the owner, Joe Stanicak, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45(1) of The Planning Act, 1990, R.S.O. 1990, c. P. 13, so as to permit the expansion of an existing restaurant use (capacity of 50 seats) at 214 Locke Street South into the adjacent portion of the building at 210-212 Locke Street South to provide for an additional seating capacity of 80 seats for a new total of 130 seats notwithstanding that none of the required parking spaces will be provided for the expanded seating instead of the minimum required 14 parking spaces.

**THE DECISION OF THE COMMITTEE IS:**

That the said application **IS GRANTED** for the following reasons:

The Committee having regard to the evidence is satisfied that there will be no adverse impact on the neighbouring lands.

The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and Official Plan as referred to in Section 45 of The Planning Act, 1990.

The proposed development will be in keeping with the character of established commercial development along Locke Street South.

That the said application **IS GRANTED** subject to the following conditions:

That the expanded seating capacity be restricted to a maximum of 65 seats, instead of the requested 80 seats, for a new total of 115 seats.

**DATED AT HAMILTON** this 7th day of July, 1999.

**DECISIONS  
SIGNED:**

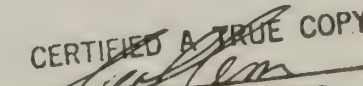
\_\_\_\_\_  
R.N. Cutler, Acting Chairman

\_\_\_\_\_  
D. Madden

\_\_\_\_\_  
C. Silvestri

**NOTE: This decision is not final and binding unless otherwise noted.**

**APPENDIX "B"**

**CERTIFIED A TRUE COPY**  
  
**SECRETARY - TREASURER**



ISSUE DATE :

**Dec. 6, 1999**  
DECISION/ORDER NO.  
**2213**



DEC - 6 1999

PL990769

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Richard Diggins has appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Hamilton Committee of Adjustment which granted an application by Joe Stanicak numbered A-99:105 for variance from the provisions of By-law 6593 respecting 210-214 Locke Street South, Hamilton  
O.M.B. File No. V990377

**APPEARANCES :**

**Parties**

**Counsel or Agents**

Richard Diggins

Joe Stanicak

**DECISION DELIVERED BY B.W. KRUSHELNICKI AND ORDER OF THE BOARD**

Joe Stanicak owns a popular and successful restaurant and bar in an area of Hamilton's downtown west end that lately has been undergoing a business revitalization. He would like to increase the size of the restaurant by expanding into a neighbouring business that has recently become available. The restaurant he now owns seats 47 people (previously reported as 50), but only three parking spaces are available, a matter that puts his use out of compliance with the City's by-law requirement of one parking space for every six seats. His use pre-dates the by-law and he enjoys a legal non-conforming status. With the addition he is especially interested in providing a separate space that will allow him to comply with the Region's new smoking by-law which will eventually require that he provide a separately ventilated non-smoking area.

Mr. Stanicak says also that he leases an additional 12 parking spaces near the restaurant which he makes available for customer parking. However, this does not bring him into compliance since the lease is a casual one, without term, and the City requires that the prescribed spaces be owned by the applicant. The neighbours also claim that the lot in which these spaces are provided is not clearly signed as being available for customer use.

His expansion plan was originally for an additional 80 seats which would require at least an additional 12 or 13 parking spaces. However, the Committee in granting his

APPENDIX "C"



application, pared back the number of seats by way of a condition limiting the addition to 65 seats for a total, that they calculated, of 115 seats with only the existing parking (three spots) provided. This satisfied him and he defends this proposal to the Board.

Mr. Stanicak was supported in his proposal by other businessmen on the street and another from elsewhere in the City. They say that the area is now recovering from being a shabby downtown business street to one with a growing and popular business population. Many of the buildings are now occupied by antique shops catering to the weekend crowd. Others are being renovated by the landlords, and the area is once again becoming a bustling commercial zone rather than the deteriorated, drug area that they say it had once been. They urge the Board to regard this as part of the revitalization of the area, and say that it should not be thwarted by a failure to comply strictly with the by-law.

The neighbours of the area oppose the proposal. They say that the effect of the revitalization, including Mr. Stanicak's popular business, is a mixed blessing. On the one hand there is a revitalization, but on the other the area is becoming busier, noisier and much more congested. Their main claim is that the restaurant and the other uses are posing serious parking and traffic problems that spill onto the adjacent residential streets. The commercial area is bordered by downtown homes immediately to the rear and the patrons of the area businesses circulate through their residential areas, take up valuable parking spaces and cause congestion and awkward parking arrangements that are a nuisance to the full-time residents of the area. It is often difficult to get a space near one's home and the visitors' parking can often block residential parking spaces.

Like other older residential areas, many of the homes were developed without on-site parking in the form of driveways at the side. Some of the residents have sought front yard parking permission, although this is limited, and others threaten to lobby for a permit parking system on the streets. The applicant notes for the Board that this area was developed with rear lanes with rear access to backyard parking and garages, but that many of the residents have chosen not to make use of this. He thinks it would be unfair for him to provide on-site parking while the home owners make no use of the parking opportunities that now exist. The residents say that they do not make use of these rear laneway areas for good reason. They are unsafe and poorly maintained, accessibility is often restricted or difficult, and many prefer to make alternative use of their rear amenity areas.

The neighbours also argue that the increase in business, coupled with the parking and congestion altogether result in other nuisances such as late night car noises, reverie



by jubilant patrons leaving the restaurant/bar, and a general disregard by the visiting patrons for the residents in this otherwise quiet neighbourhood. Mr. Stanicak argues that he aims for a family-oriented business, something that the addition will encourage.

This has come to the Board as an application for variance which has been altered somewhat by the Committee, and with the consent of the applicant, to an additional seating of 65 persons without proper parking. The four tests provided by the *Planning Act* require that the application be proven to be minor in its impact, maintain the intent of the Official Plan and the by-law, and that the development be appropriate and desirable.

The Board finds on the evidence that the impact will not be minor and that the intent of the by-law is not maintained. Although the impact is one that is part of the general improvement and revitalization of the area, there is an impact, it is cumulative and it must be dealt with as the impact grows. The provision of parking is meant to mitigate the impacts of businesses that cater to visitors with vehicles, so as to minimize the burden that the permanent residents of the area must endure. This is clear.

The by-law does not intend to thwart new development or redevelopment, but rather to ensure that, as it takes place, proper measures are put in place to lessen the effect that additional commercial activity will have. It is not unreasonable, even in an area such as Locke Street south - a long standing business area - that as the area becomes busier, more parking be developed along with the businesses. This is not an attempt to thwart business or its redevelopment, but rather to properly accommodate it in a way that allows it to be more compatible with the surrounding - equally long standing - neighbourhood uses. Neither is it unreasonable that the businesses that benefit from the commercial regeneration bear the burden of providing this parking as the by-law requires.

This is undoubtedly also the intent of the commenting agencies, some of whom have expressed concern over the proposal.

The Board concludes firmly that the intent of the by-law is not kept.

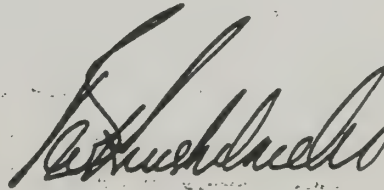
The Board also concludes that the doubling of the seating cannot be considered minor in its impact. It is true that the shop that is being redeveloped as part of the expansion caused some parking demand now simply being taken up by the restaurant expansion. This, however, is not a reason in itself to completely ignore the by-law and exempt a use that has generated, and will undoubtedly continue to generate, a significant and most probably an increased parking demand.



I agree with the residents and the City officials that the provision of leased parking is not sufficient. This provides no guarantees, especially given the lack of commitment offered even by a lease with term, and the poor signage. The only proper solution as contemplated by the by-law is that with the additional seating there must be provided additional parking. This is especially true given the exemption from parking offered by the existing legal, non-conforming use.

For these reasons, the Board will allow the appeal and will not grant the variance in the original application or as modified to comply with the Committee's decision.

The Board so orders.

A handwritten signature in black ink, appearing to read 'B.W. Krushelnicki', written in a cursive style.

B.W. KRUSHELNICKI  
MEMBER







CAM ON HBL A05  
C51P4  
2000



# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Tuesday April 11, 2000  
5:00 p.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

URBAN MUNICIPAL

APR 12 2000

GOVERNMENT DOCUMENTS

Tina Agnello  
Legislative Assistant

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### CALL TO ORDER

#### 1. DECLARATIONS OF INTEREST

#### 2. DISCUSSION AGENDA

- 2.1 Site Plan Control By-law 98-206, Woodland Meadows- Valery Construction – West 5<sup>th</sup> Street and Stone Church Road West (previously tabled)
- 2.2 Request for proposal- 74 Hughson Street, Decaration and Sale of Surplus Property ( to be distributed at meeting)

#### 3. ADJOURNMENT







ADDED ITEM

**PLANNING & ENGINEERING INITIATIVES LTD.**

☐ 379 Queen Street South  
Kitchener, Ontario N2G 1W6  
Tel. (519) 745-9455 Fax (519) 745-7647  
e-mail: kitchener@peinitatives.on.ca  
website: www.pei.net

☒ 69 John Street South, Suite #200  
Hamilton, Ontario L8N 2B9  
Tel. (905) 546-1010 Fax (905) 546-1011  
e-mail: hamilton@peinitatives.on.ca

☐ 450 Britannia Road, Suite 450 B  
Mississauga, Ontario L4Z 1X9  
Toll Free: 1-877-822-3798  
Tel (905) 890-3550 Fax (905) 890-7081  
e-mail: GTA@peinitatives.on.ca

2.1

PLANNERS

CONSULTING

ENGINEERS &amp;

LANDSCAPE

ARCHITECTS

March 30, 2000

File No: HP-522

City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

Attention: Ms. Tina Agnello, Secretary  
Planning & Development Committee

Dear Ms. Agnello:

**RE: SITE PLAN CONTROL BY-LAW - BY-LAW 98-206  
WOODLAND MEADOWS - VALERY CONSTRUCTION  
WEST 5<sup>TH</sup> STREET AND STONE CHURCH ROAD WEST  
IN THE CITY OF HAMILTON**

We wish to be present as a delegation before the Planning & Development Committee of April 5, 2000 in order to make presentation and request to have the above mentioned Site Plan Control By-law for the Woodland Meadows Plan of Subdivision rescinded.

The Site Plan Control By-law originated when the developer was proposing to construct singles, semis and street townhouses within the Plan of Subdivision. Subsequent to the mixed use zoning, a new application and by-law was introduced and approved for 40 single family dwellings and is now being implemented. Therefore, it is our opinion that Site Plan Control for the single family dwellings is not necessary and would not serve in the best interests of the municipality and our clients.

We wish to present this matter to Committee for consideration and request that the By-law be rescinded.

Yours truly,  
PLANNING & ENGINEERING INITIATIVES LTD.

Sergio Manchia, MCIP, RPP  
Senior Planner

SM/lah  
Encl.

Paul Puopolo, MA, MCIP, RPP  
OALA, President

John Ariens, MCIP, RPP

Mark Dykstra, B.L., Arch., OALA

Steve Frankovich, P. Eng.

Ed Gazendam, M. Eng., P. Eng.

Thomas Hardacre, MCIP, RPP

Victor Labreche, MCIP, RPP

Scott Lang, P. Eng.

Sergio Manchia, MCIP, RPP

John Perks, MBA, P. Eng.

David Sisco, B.A.

Douglas W. Stewart, MCIP, RPP

Associates:

A.G. (Sandy) McLellan, Ph.D.  
Jonathan Price, Ph.D.  
Barry Warner, Ph.D.

cc: Alderman Frank D'Amico, Chairman  
Planning & Development Committee

MAR 30 2000

Hand to: Lee Ann  
Gregory G.M.  
C.P.D.



Bill No. C- 97

## The Corporation of the City of Hamilton

BY-LAW NO. 98- 206

To Establish:

Site Plan Control

Respecting:

LAND LOCATED EAST OF WEST 5TH STREET and NORTH OF  
STONE CHURCH ROAD WEST

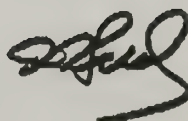
WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, (now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13), as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

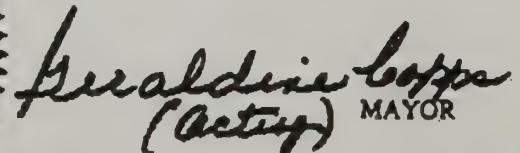
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
  175. Land located east of West 5th Street and north of Stone Church Road West, shown on Appendix 175 hereto annexed and forming part of this by-law.
2. Appendix 175 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.
3. Section 2. of By-law No. 79-275, as amended, shall not apply to the land shown on Schedule "A".

PASSED this 9th day of July A.D. 1998

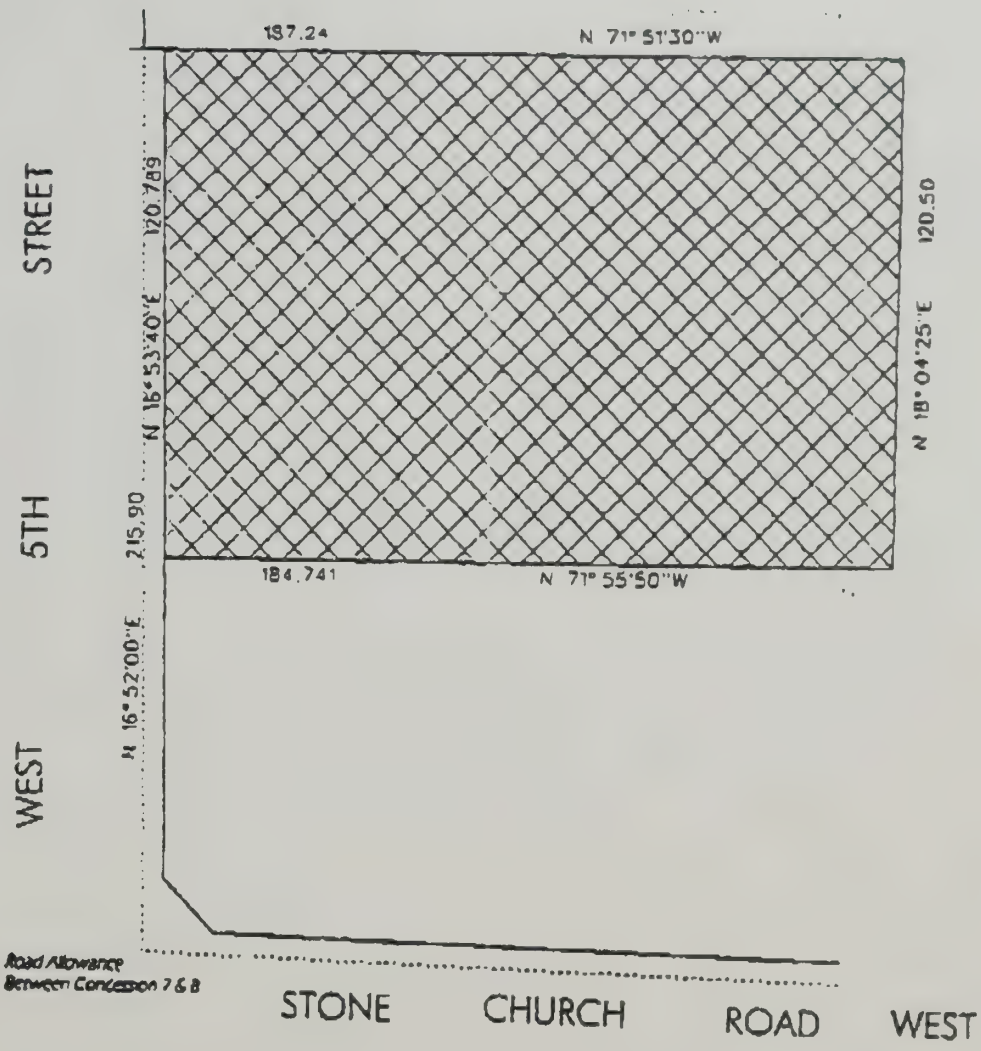
  
CITY CLERK



  
(Acting) MAYOR

(1998) 13 R.P.D.C. 2.B., June 30  
Valery Construction Company Limited, Owner  
Amended ZAC-98-13





NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-206  
Passed the 9<sup>th</sup> day of July, 1998.


*[Signature]*  
Clerk


*[Signature]*  
(acting) Mayor

City of Hamilton

Appendix 175  
to the By-Law No. 79-275  
as Amended by By-Law No. 87-223

Legend

 Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North 	Scale NOT TO SCALE	Reference File No. 2A-98-13
	Date	

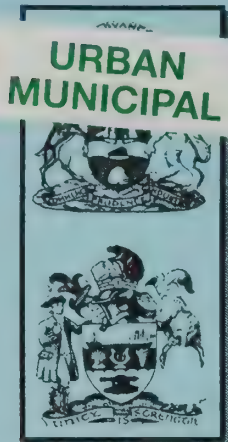
TOTAL P.03







CAC ON HBL AOS  
C51P4  
2000



## NOTICE OF CANCELLATION

### CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday April 19, 2000  
9:30 a.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

URBAN MUNICIPAL

APR 12 2000

GOVERNMENT DOCUMENTS

Tina Agnello  
Legislative Assistant

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This is to advise that the regularly scheduled Planning and Development Committee meeting of April 19, 2000 has been cancelled.

The next regularly scheduled meeting will be held on May 3, 2000 at 9:30 a.m. in Room 233, City Hall







CA4 ON HBL A05  
C51P4  
2000



**URBAN  
MUNICIPAL**

# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday May 3, 2000  
9:30 a.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

Tina Agnello  
Legislative Assistant

### CALL TO ORDER

Urban Municipal Collection  
2<sup>nd</sup> Floor  
Hamilton Public Library

### 1. DECLARATIONS OF INTEREST

### 2. PUBLIC MEETINGS:

- 2.1 City Initiative for a Change in Zoning for No. 90 Kinrade Street (PDC00082)
- 2.2 Request for a Modification in Zoning for Lands Located at 1015 Main Street West (PDC00083)

### 3. ADOPTION OF MINUTES

Minutes of the Meeting Held April 5, 2000

### 4. CONSENT ITEM

- 4.1 Demolition of 9 Charlton Avenue West (PDC00076)
- 4.2 Demolition of 11 Charlton Avenue West (PDC00077)
- 4.3 Demolition of 1515 Upper Sherman Avenue (PDC00078)
- 4.4 King Street West Business Improvement Area (B.I.A.)  
Proposed Budget and Schedule of Payment for 2000 (PWT00078)
- 4.5 Downtown Hamilton Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00079)







- 4.6 Barton Village Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00086)
- 4.7 International Village Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00088)
- 4.8 227 St. Clair Blvd. – Heritage Permit for Rear Addition (PDC00075)
- 4.9 Hamilton Beach Heritage District - By-law of Intent to Designate  
(PDC00073)
- 4.10 Core Heritage 2000 Program, 72-76 James Street North (HSB00007)
- 4.11 Information Item

**5. DISCUSSION ITEMS**

- 5.1 CAPIC re: Former Health Department Building, 74 Hughson Street South
- 5.2 **Demolitions: (previously tabled)**
  - 5.2.1 15 Division Street (PDC00060)
  - 5.2.2 74 Harrison Street (PDC00061)

**6. DELEGATION**

Alderman Anderson

Request for Site Plan Application Fee Refund- 422 East 24<sup>th</sup> Street, Rito Gizzarelli

**7. OTHER BUSINESS**

**8. ADJOURNMENT**







## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 April 18  
CI-00-B  
Gibson Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development

**SUBJECT:** City Initiative for a change in zoning for No. 90 Kinrade Avenue  
(PDC00082)

**RECOMMENDATION:**

- (a) That approval be given to **City Initiative CI-00-B**, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two-Family Dwellings) District, modified, to permit a semi-detached dwelling (2 units), for lands located at No. 90 Kinrade Avenue, as shown on the attached Map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two-Family Dwellings) District.
  - (ii) That the "D" (Urban Protected Residential – One and Two-Family Dwellings) District regulations as contained in Section 10. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
    - 1. Notwithstanding Section 10.(3)(i) a front yard of a depth of at least 5.4 m shall be provided and maintained.
    - 2. Notwithstanding Section 10.(4)(ii) a two-family dwelling shall have a lot area of at least 530 m<sup>2</sup>.
    - 3. Notwithstanding Sections 18A.(14a) and 18A.(14g) required parking may be provided in a required front yard.
    - 4. Notwithstanding Section 18A.(1)(f) and 18A.(9) manoeuvring space for the required parking shall not be required.



5. Any fence shall be setback a minimum of 5.0 m from the Kinrade Avenue road allowance limits.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E21 be notated S- .

(iv) That Corporate Counsel be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E21 for presentation to City Council.

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That upon finalization of the implementing Zoning By-law, the Approved Gibson Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double Residential".

#### **EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two-Family Dwellings) District, modified for lands located at No. 90 Kinrade Avenue, as shown on the attached Map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for a semi-detached dwelling (i.e. 2 units). In addition, the By-law provides the following variances as special requirements:

- A minimum front yard depth of 5.4 m, whereas the Zoning By-law requires a minimum 6.0 m front yard.
- A lot area of at least 530 m<sup>2</sup> will be permitted, whereas the Zoning By-law requires a minimum lot area of 540 m<sup>2</sup>.
- The two required parking spaces may be provided in the required front yard, whereas the Zoning By-law does not permit parking to be provided in a required front yard.
- No on-site manoeuvring space will be required for the two required parking spaces, whereas the Zoning By-law requires on-site manoeuvring for every required parking space.
- Any fence shall be setback a minimum of 5.0 m from the Kinrade Avenue road allowance limits.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**This matter does not require Transition Board approval.**



As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

## **BACKGROUND:**

The subject lands, No. 90 Kinrade Avenue, as shown on Appendix "A", are currently owned by the City of Hamilton. The lands contain a former municipal parking lot. The lands have been declared surplus and an offer to purchase from Hamilton Habitat for Humanity has been conditionally accepted by City Council. One condition of the sale of 90 Kinrade Avenue is that the lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two-Family Dwellings, etc.) District, modified. Accordingly, on February 23, 2000 the Planning and Development Committee directed the Community Planning and Development Division to undertake a City Initiative rezoning for the property.

The prospective purchaser, Hamilton Habitat for Humanity is a non-profit charitable organization, which builds affordable housing for local families. Hamilton Habitat for Humanity plans to construct a one storey semi-detached dwelling (2 three bedroom units) on the subject lands. The proposal includes one parking space for each dwelling. As the proposed dwellings do not include garages and there is insufficient side yard width to accommodate parking in the side yards, both parking spaces will be located within the required front yard of the dwelling. However, it should be noted that a minimum of 50% of the front yard would be landscaped. A proposed site plan is attached as APPENDIX "B".

## **LOT SIZE AND AREA:**

The subject lands have:

- a frontage of 19.69 m (64.63 ft.) on Kinrade Avenue;
- a depth of 27.43 m (90 ft.) ; and,
- a lot area of approximately 534.9 m<sup>2</sup> (5,557.7 sq. ft.).

## **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Municipal parking lot	"G-3" (Public Parking Lots) District
<u>Surrounding Lands</u>		
To the north	Commercial	"H" (Community Shopping and Commercial) District



To the east	Municipal parking lot	"G-3" (Public Parking Lots) District
To the west	Municipal parking lot	"G-3" (Public Parking Lots) District
To the south	Single Family Dwellings	"D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District

## OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule "A" – Land Use Concept of the Official Plan. However, the Official Plan, policy A.2.2.1 permits Residential uses within areas designated "Commercial" subject to compliance with the Residential policies of Subsection A.2.1 and C.7. Therefore, an Official Plan Amendment would not be required.

## NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" by the Approved Gibson Neighbourhood Plan. A Neighbourhood Plan Amendment is required to redesignate the lands "Single and Double Residential".

## COMMENTS RECEIVED:

- To date, the Community Planning and Development Division, Building Department has not submitted comments.
- The Community Planning and Development Division, Development Engineering Section advised of the following:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

According to our records the existing road allowance width of Kinrade Avenue is 16.46 m. Therefore, we do not anticipate any further road allowance widenings at this time.

The plans submitted by applicant/owner do not indicate the daylight triangle at the intersection of the east/west and north/south public assumed alleys. The plans must be modified accordingly and the lot area calculations modified to ensure the set backs are taken from the correct property lines.

We recommend that any fencing along the property lines be setback a minimum of 5m from the Kinrade Avenue road allowance limits to ensure motorists backing into



the roadway and motorists entering the roadway from the alley have some visibility of pedestrians and traffic within the Kinrade Avenue road allowance."

- The Community Planning and Development Division, Land Development Department advises that the application conforms to the Hamilton-Wentworth Official Plan and falls within the parameters of the Provincial Policy Statement (PPS).
- The Department of Public Works and Traffic, Traffic Division and the Hamilton Region Conservation Authority have no comment or concern.

## COMMENTS:

1. The proposal complies with the Official Plan.
2. The proposal requires an amendment to the Approved Gibson Neighbourhood Plan to redesignate the subject lands from "Commercial" to "Single and Double Residential".
3. The proposal has merit and can be supported on the following basis:
  - The proposed semi-detached residential use would be compatible with adjacent land uses in the vicinity, including single detached dwellings to the south. In addition, the public alleyway to the north would separate the proposed residential use from the commercial uses along Barton Street.
  - The proposal would provide affordable housing.
4. The proposal requires the following variances to the "D" (Urban Protected Residential – One and Two-Family Dwellings, etc.) District regulations.

### Front Yard

The proposed site plan (APPENDIX "B") indicates a front yard setback of approximately 5.49 m would be provided for the semi-detached dwelling. Accordingly, a variance is required to allow a minimum front yard depth of 5.4 m. This is a minor reduction from the minimum 6.0 m required by the "D" (Urban Protected Residential – One and Two-Family Dwellings, etc.) District regulations. Furthermore, reduced front yard setbacks are not out of character with development in the area. As such, the variance can be supported.

### Lot Area

The "D" (Urban Protected Residential – One and Two-Family Dwellings, etc.) District regulations require a lot area of 540 m<sup>2</sup>, whereas the subject lands have a lot area of approximately 534.9 m<sup>2</sup>. Therefore, a variance is required to allow a minimum lot area of 530 m<sup>2</sup>. This variance can be supported on the basis that the reduction is minor in nature and not out of character with established lot sizes for dwellings to the south. It should be noted that, in accordance with the comments of the Roads



Department, the lot area excludes the daylight triangle at the intersection of the east/west and north/south public assumed alleys adjacent to the subject lands.

#### Front Yard Parking

The proposal includes the provision of the two required parking spaces within the required front yard of the dwellings, whereas the Zoning By-law does not permit parking in a required front yard. However, the proposal will provide a minimum of 50% front yard landscaping, in accordance with the Zoning By-law. Given that the previous use of the subject lands was a municipal parking lot, the proposal would represent an improvement to the streetscape along Kinrade Avenue. A variance is also required to allow no on-site manoeuvring space for the two required parking spaces, whereas the Zoning By-law requires on-site manoeuvring. The Department of Public Works and Traffic have no objection to the reduction in manoeuvring or front yard parking. Based on the foregoing, the parking variances can be supported.

#### Fencing

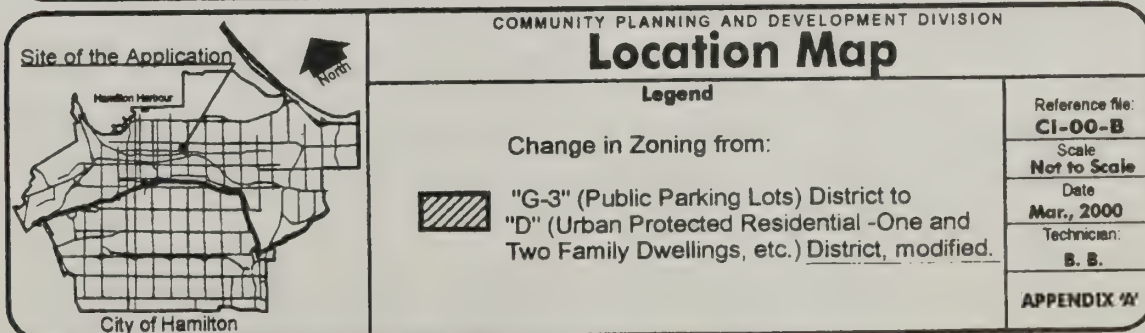
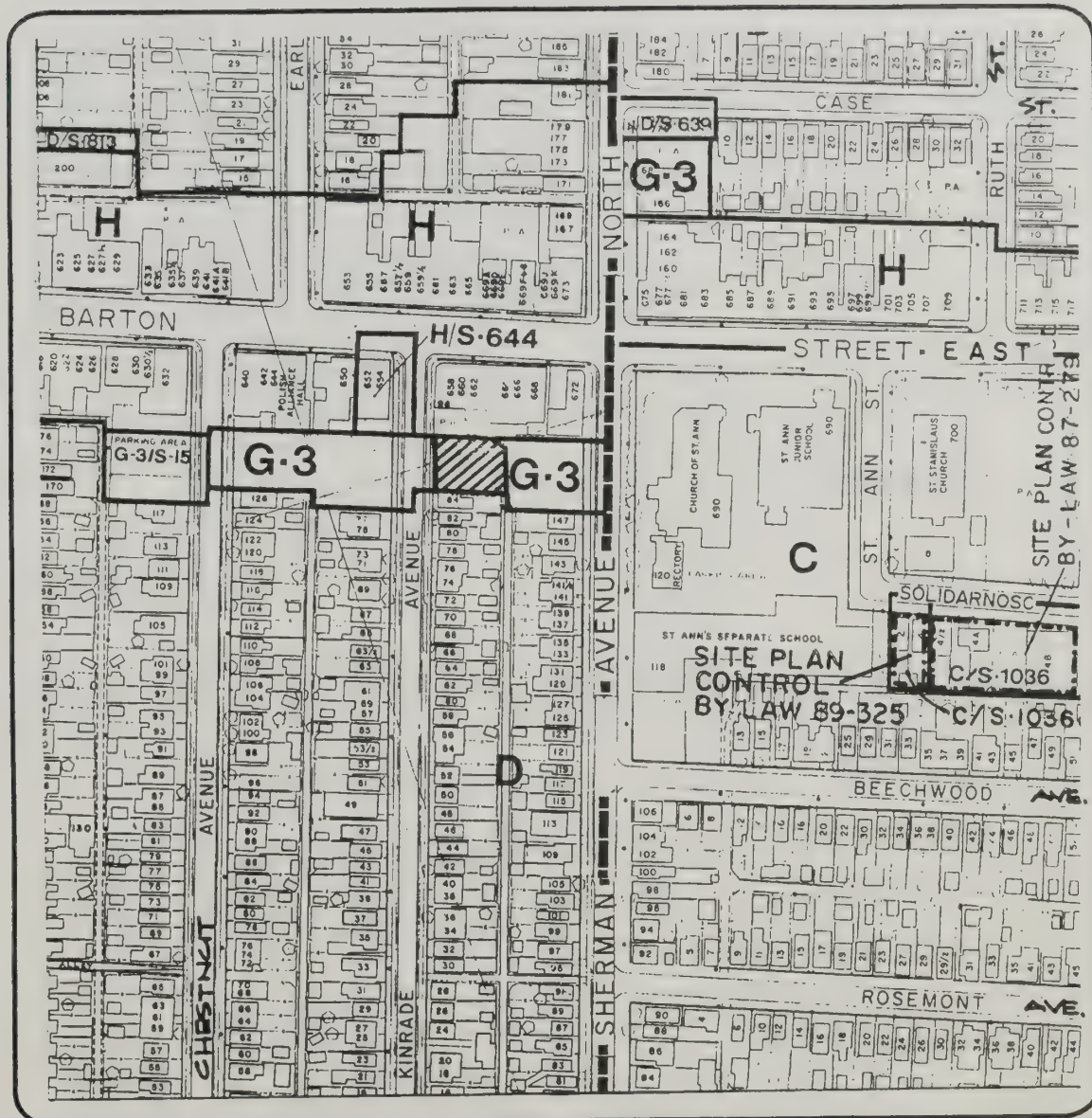
The Roads Department has requested a requirement that any fence be setback a minimum of 5.0 m from the Kinrade Avenue road allowance limits, for visibility purposes. This variance should also be included.

#### **CONCLUSION:**

On the basis of the foregoing, the application can be supported.

CL-M



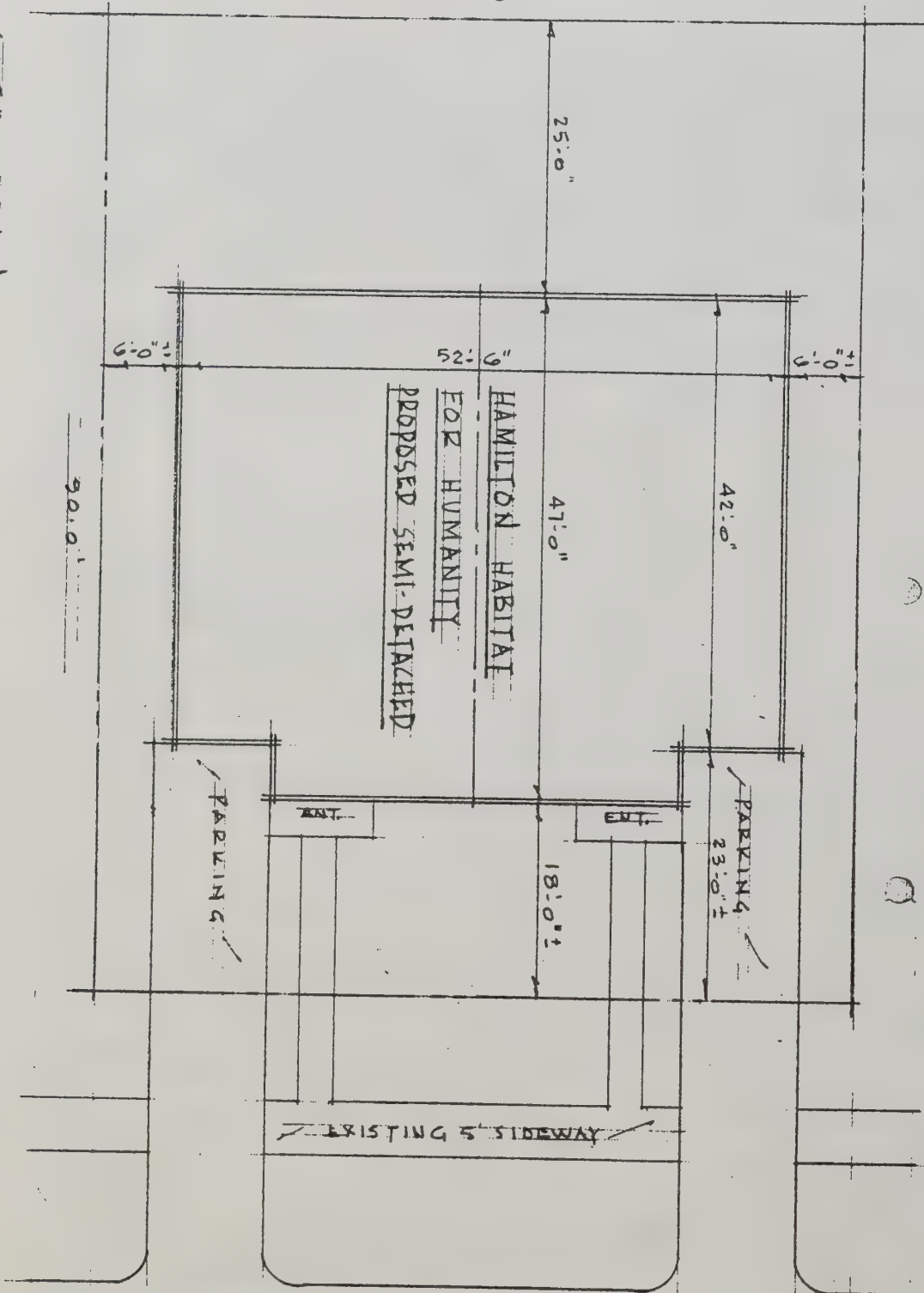




EXISTING REAR ALLEYWAY

64'-23"

SITE PLAN





**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** April 18, 2000  
ZAR-00-06  
Westdale South Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a modification in zoning for lands located at 1015 Main Street West (PDC00083)

**RECOMMENDATION:**

That approval be given to **Zoning Application ZAR-00-06, Columbia International College, owner**, for a modification to the established "C" (Urban Protected Residential, etc.) District for lands known as 1015 Main Street West as shown on the attached map marked as APPENDIX "A", on the following basis:


- (a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Section 9.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
    - 1. a commercial school for secondary school level education, provided that the said school is located within the building existing on the date of the passing of this by-law;
- (b) That Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33 for presentation to City Council;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-33 be notated as S- ;



- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That Site Plan Control By-law No. 79-275, as amended, be further amended by adding the lands to Schedule "A".

**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District for lands known municipally as 1015 Main Street West, as shown on APPENDIX "A". The effect of the By-law is to permit a commercial school (ie. Columbia College) for secondary school level education within the existing building (former Ainslie Wood Vocational School).



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

**BACKGROUND:**

Proposal

The application is for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District to permit the adaptive reuse of the existing building for a commercial school (ie. Columbia College) to provide for secondary school level education.

The subject lands were previously used as a secondary school (ie. Ainslie Wood Vocational School). The applicant is proposing to convert the building to provide 5 classrooms and 3 labs on the first floor, with 12 classrooms and 2 labs on the second floor for a total of 22 classrooms.

Sixty-three (63) parking spaces are proposed to be provided on an existing paved parking area located on the west side of the building (see APPENDIX "B").

A Planning Justification Report for the proposed conversion was submitted by the applicant's agent and is attached as APPENDIX "C".



### By-law No. 89-220

On July 26, 1989, City Council passed By-law No. 89-220 for lands owned by the applicant located to the west of the subject lands at 1033 Main Street West. The effect of the By-law was to permit the construction of a 5 storey student dormitory and use the existing building onsite as a commercial secondary school with a maximum of 18 classrooms.

The By-law was subsequently appealed to the OMB which approved the By-law with minor changes respecting parking for other permitted uses (e.g. medical office, business offices and restaurants).

#### **APPLICANT:**

Columbia International College, owner.

#### **AGENT:**

Planning and Engineering Initiatives Ltd.

#### **LOT SIZE AND AREA:**

The subject lands are irregular in shape and have:

- 106 m of lot frontage along Main Street West;
- a depth of 229 m; and
- a lot area of 1.8 ha.

#### **LAND USE AND ZONING:**

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant Building (former Ainslie Wood Vocational School)	"C" (Urban Protected Residential, etc) District, modified
<u>Surrounding Land Use</u>		
To the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District



To the south	Hwy. 403 Corridor	"C" (Urban Protected Residential, etc.) District
To the west	Commercial School (Columbia College)	"HH" (Restricted Community Shopping and Commercial) District, modified
To the east	Apartment building	"E" (Multiple Dwellings, Clubs, Lodges, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated "Major Institutional" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

### **NEIGHBOURHOOD PLAN:**

There is no approved neighbourhood plan for the Westdale South Neighbourhood.

### **COMMENTS RECEIVED:**

- Traffic Engineering & Operations have advised that they have no comments.
- The Development Engineering Section, Land Development Department have advised of the following:

"...we wish to advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of this section of Main Street West is 26.21m. According to our Office records the Region previously acquired the required road allowance widening adjacent to the subject lands, shown as Part 12 on Reference Plan 62R-11411, by Instrument No. 114952 (New).

As the subject lands are adjacent to the Highway No. 403 Expressway and the interchange/ramp intersection at Main Street West, comments from the Ministry of Transportation of Ontario should be considered.

Any works within the Main Street West road allowance limits, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- To date no comments have been submitted by the Building Department.



- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Development Planning Section, Land Development Department has advised:

#### **"REGIONAL OFFICIAL PLAN**

The subject lands are identified as "Urban Area", in the Hamilton-Wentworth Official Plan (HWOP).

The proposed zoning modification does not conflict with the intent of the HWOP.

#### **PROVINCIAL POLICY STATEMENT**

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

#### **COMMENTS:**

1. The subject lands are designated "Major Institutional" in the Official Plan. The proposal complies with the general intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
  - it would provide for the adaptive reuse of the former Ainslie Wood Vocational School ;
  - it would be compatible with the abutting commercial and high-density residential uses; and
  - under the existing "C" District zoning a public school is permitted as-of-right. However, for purposes of By-law interpretation the proposal is considered to be a commercial school. Since Columbia International College will be providing secondary school level education under the Ontario Education Act, the requested modification in zoning is considered a technicality
3. The applicant is proposing to use the building for a commercial school for secondary school level education. It is noted that in 1989, the Ontario Municipal Board approved Zoning By-law 89-220 to permit the use of the abutting lands to the west for a commercial school in conjunction with a student residence (Columbia College). As the proposed rezoning is for a similar use as the abutting lands, it is appropriate to use the same zoning terminology and restrictions. As such, the use of the subject lands should be restricted to a commercial school for



secondary school level education, provided that the said school is located within the building existing on the date of the passing of this by-law.

In accordance with Section 18A of the Zoning By-law, a secondary school requires 1.8 parking spaces per classroom and 2.5 spaces per classroom for Grade 13 only.

Based on the site plan provided by the applicant, 63 parking spaces are proposed to be provided on the subject lands. However, it appears that 2 of the parking spaces are located in the required front yard. This will reduce the amount of on-site parking to 61 spaces which exceeds the minimum requirements of By-law No. 6593.

4. With the passing of By-law No. 98-173, schools and churches in a "C" District were placed under Site Plan Control. However, as the proposal is for a "commercial" school any development would not require site plan approval.

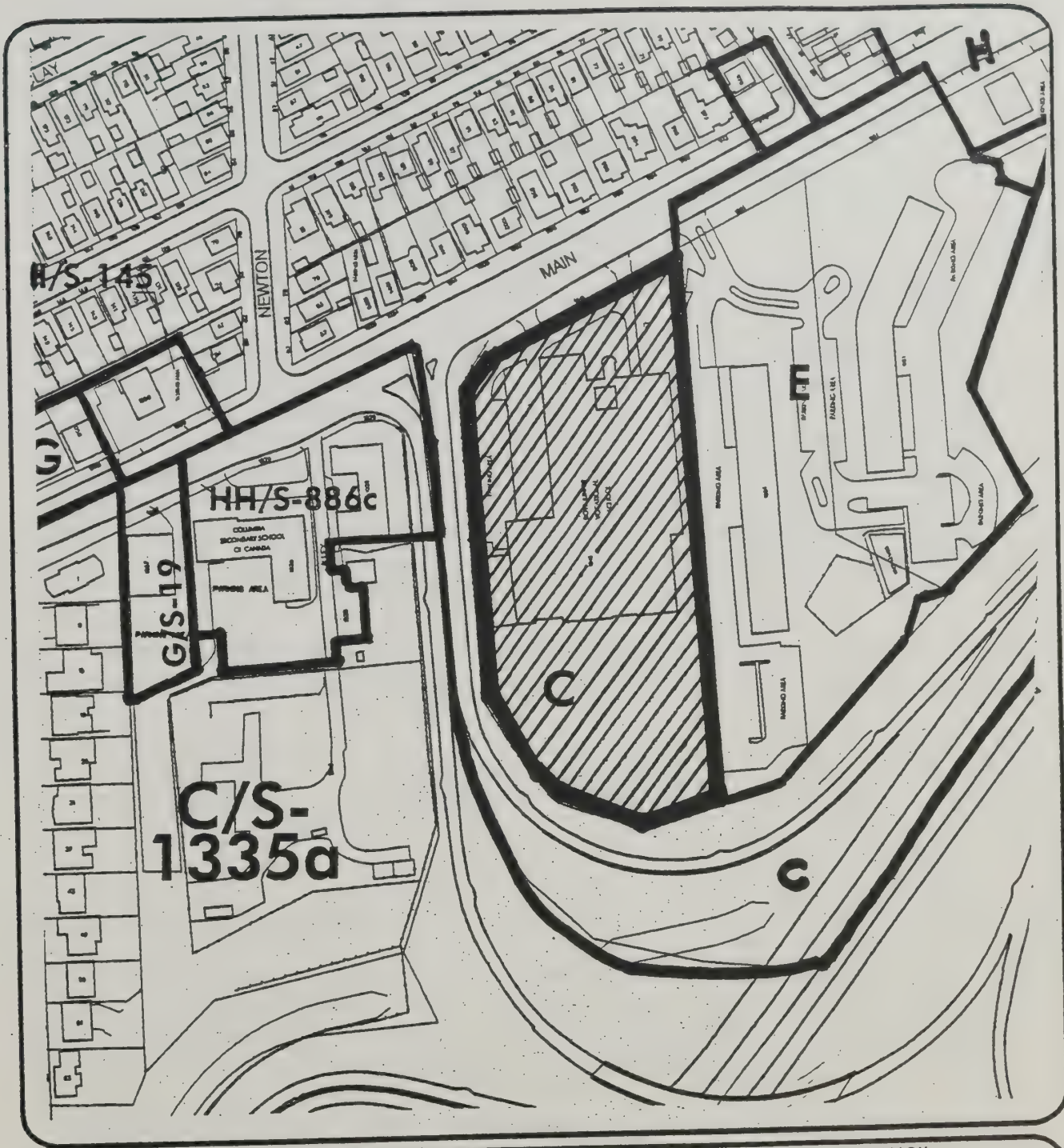
In this regard, it would be appropriate to place the lands under Site Plan Control.

5. In the application form, the applicant identified that asbestos insulation is being removed from the building. In this regard, it is expected that the removal of this material will meet any applicable Provincial requirements.

### **CONCLUSION:**

Based on the foregoing, the application can be supported.





**Site of the Application**



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

**Location Map**

**Legend**



Modification to the "C" (Urban Protected Residential, etc.) District

Reference file:  
**ZAR-00-06**

Scale  
**Not to Scale**

Date  
**Mar., 2000**

Technician:  
**B. B.**

**APPENDIX 'A'**







## **PLANNING JUSTIFICATION REPORT PROPOSED CONVERSION OF AINSLIE WOOD SHOOOL**

### **Introduction**

Columbia International College of Canada (CIC) operates a secondary school at 1033 Main Street West in the City of Hamilton. CIC offers grades 9 to OAC and caters primarily to international students. Immediately to the east of the existing campus and on the opposite side of a ramp leading to Highway 403 is a 4.4 acre site developed with a closed school building. This was the Ainslie Wood Vocational School which was owned and operated by the Hamilton Public School Board. The Ainslie Wood School building has sat vacant since 1994, and was recently declared public surplus by the Public School Board. This building has been purchased by CIC and it is their intent to convert it into a private secondary school.

The zoning by-law for the City of Hamilton limits the use of the Ainslie Wood building to a "Public" school and hence an amendment to the City zoning by-law is required.

The purpose of this report is to outline and describe the proposed use of this property by CIC and to provide the planning justification in support thereof.

### **Location and Site Description**

The subject property is located within the Westdale South district and is situated on the south side of Main Street West immediately to the east of a ramp to Highway 403. These lands are municipally described as 1015 Main Street West and are legally described as part of Lot 1 Registrars Compiled Plan 1479.

The subject property has frontage on Main Street of approximately 106 metres and a total area of approximately 1.8 hectares.

These lands are currently developed with a 2 storey brick building, which was used by the previous owner as a secondary school (Grade 9 to OAC).



### Abutting Land Uses

The subject property is situated between Main Street West and Highway 403. Immediately to the west is an off ramp connecting Main Street to Highway 403. On the opposite of the connecting ramp is the existing campus of Colombia International College.

To the north and on the opposite side of Main Street West are low density detached residential dwellings. To the east of the subject property is a 12 storey apartment building.

### Official Plan

The Official Plan to the City of Hamilton includes the subject property within the Major Institutional Uses designation. One of the primary uses permitted within this designation on parcels of land exceeding 0.4 hectares in size includes educational activities. The Official Plan does not make a distinction between Public or Private educational facilities, and hence the establishment of a Private Secondary School on this property would be in conformity with the City of Hamilton Official Plan.

### Zoning By-Law

The Zoning By-Law for the City of Hamilton includes the subject property within the "C" District (Urban Protected Residential, etc.) This zoning category permits various public uses including a school but specifically excludes a commercial school. Since Colombia International College is not a public use an amendment to the City's Zoning By-Law will be required in order to permit the proposed conversion.

### Planning Justification

- **No Change in Land Use**

When owned by the Public Board, this property was previously used as a secondary school providing education for students from Grade 9 to OAC. Columbia also teaches children from Grade 9 to OAC and therefore there is no significant change in land use. This property was previously used as a secondary school and will continue to be used as such in the future.

The Zoning By-Law currently only permits Public Schools and specifically precludes commercial schools. While Columbia is not a Public School – it is also not a typical commercial school. Columbia is no different from any other Public Secondary School in that it operates under the same Ontario Education Act,



which governs all secondary schools private or public in the province of Ontario. Other Secondary Schools such as Hillfield, Upper Canada and John A. MacDonald are operating under this act. The main difference with Columbia International College is that it caters primarily to International students.

- **Less Intense Land Use**

According to information received from the Public Relations Department (Claire Van der Beek) of the Hamilton Public School Board, the Ministry of Education rated enrollment for this building as a Public Secondary School was for a maximum of 747 students. The current enrollment at Columbia is 646 students. Columbia currently has an existing campus facility to the west of these lands, and therefore, the total enrollment at the Ainslie Wood site would be significantly less than the maximum permitted enrollment as a public institution.

- **Not a Commercial School**

The types of schools that the Zoning By-Law is limiting are commercial schools such as the Toronto School of Business, hairdressing and beauty schools, which operate under the Private Vocational School Act. These are commercial schools and completely different from Colombia International College in that they typically deal with older students or adults seeking retraining.

- **Sufficient Parking is Available**

Immediately to the West of the school building is a large paved parking area, which can accommodate 63 parking spaces. These spaces are delineated on the attached Site Plan. Along the west wall of the building are a number of garage doors which lead to various classrooms which were previously used for shop purposes. These garage doors will be permanently closed and hence a tier of parallel parking can also be established along the west wall of the building. The parking standard for a secondary school is 1.8 spaces per classroom. A secondary school containing Grade 13 students requires a parking ratio of 2.5 spaces per classroom.

Attached as well are floor plans of each floor of the building and on the ground floor Columbia will establish 5 classrooms and 3 labs, while on the second floor there will be 12 classrooms and 2 labs. In total Columbia will establish 22 teaching rooms within the building, which results in a parking ratio of 2.8 spaces per classroom. Available parking therefore greatly exceeds the zoning requirement for any type of secondary school.

- **No Change in Access**

Access to this property is currently available at 2 locations on Main Street West. The front portion of the site contains a crescent driveway, which can easily facilitate and accommodate school bus turning movements. Columbia's students are housed in off-site dormitory and residences and will be bused to attend classes at this location.



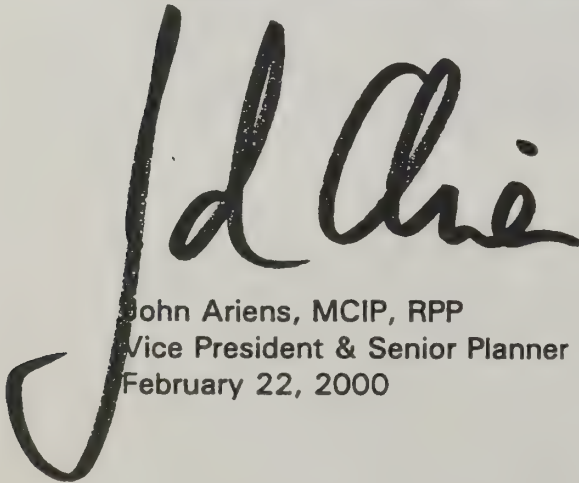
No change in access is proposed and no significant traffic impacts are foreseen given that the proposed enrollment and intensity of use will be less than what existed when this property was utilized as a Public Secondary School.

### Planning Conclusion

The proposed zoning amendment for this site will allow this building to be converted from a Public Secondary School to a Private Secondary School. From a land use, enrollment and intensity prospective there are no significant changes to the use of these lands. It previously operated as a Secondary School and will continue to operate as such in the future. Access and parking are adequate to accommodate the private use of this building, and in fact, given that Columbia caters to international students, most of which do not have vehicles or Canadian driver's licenses more than sufficient parking is available.

The use of these lands for private institutional purposes complies with the City of Hamilton Official Plan and represents good planning. In essence this is a technical amendment to the zoning by-law which does not result in any significant land use change or any adverse impact.

Respectfully submitted by:  
PLANNING & ENGINEERING INITIATIVES LTD.



John Ariens, MCIP, RPP  
Vice President & Senior Planner  
February 22, 2000







# MINUTES

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, April 5, 2000  
9:30 a.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

**Present:** Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. M. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

**Also Present:** Alderman Kiss, Alderman Morelli, Alderman Collins, Alderman Wilson, P. Mallard, B. Janssen, R. Linschoten, R. Meiers, N. Smith, E. Switinky, J. Spolnik, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

### THE FOLLOWING ITEMS WERE RECOMMENDED TO COUNCIL:

**1. ZAR-00-03 Request for a Further Modification in Zoning – No. 180 Walnut Street South, Hamilton – (PDC00059)**

That approval be given to Zoning Application ZAR-00-03, Ivo Civitarese, owner, requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a single family dwelling only within the existing building, for property located at 180 Walnut Street South, as shown on the attached map marked as APPENIDX "A", on the following basis:

(a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 76-312, be further modified to the extent only of the special requirement that:

(i) That Section 2(a) of By-law 76-312 be deleted and replaced by the following:

"Notwithstanding Section 11A (1) of By-law No. 6593 the existing



building located on the lands shown on Schedule "A" may only be converted for one (1) dwelling unit."

- (b) That the amending by-law be added to Section 19 of Zoning By-law No. 6593, as Section S-490b, and the subject lands on Zoning District Map E-5 be notated S-490b;
- (c) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- (d) That the proposed further modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area; and
- (e) That the implementing by-law not be presented to City Council until the owner has entered into an Encroachment Agreement with the City of Hamilton for the existing building encroachments into the Forest Avenue and Walnut Street South road allowances.

**2. ZAR-00-04 Request for a Change in Zoning – 89-91 Vine Street – (PDC00063)**

That approval be given to Zoning Application ZAR-00-04, by Philpott Memorial Church, owner, for a change in zoning from "L-c" (Planned Development – Commercial) District to "H" (Community Shopping and Commercial etc.) District, modified, to permit the expansion of an existing parking lot and provide for landscaping for lands located at 89 - 91 Vine Street, as shown on the attached map marked as APPENDIX "B" on the following basis:

- (a) That the subject lands be rezoned from "L-c" (Planned Development – Commercial) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
  - (i) That notwithstanding Section 14. (1) (viii) of Zoning By-law No. 6593 as amended by By-law No. 99-174, a public parking lot shall be permitted;
  - (ii) That a landscaped planting strip have a minimum width of 3.0 m shall be provided and maintained along the entire street line except



for the area used for access driveway;

- (iii) Section 18A(11) and (12) shall not apply along easterly lot line;
- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1312a, and that the subject lands on zoning district Map W-4 be notated as S-1312a;
- (d) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**3. ZAC-00-02 Request for a Change in Zoning – North Side of the Future Extension of Greywood Road, South of Glenview Place – (PDC00065)**

- (a) That approval be given to Zoning Application ZAC-00-02, Casablanca Properties Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District, for lands located on the north side of the future extension of Greywood Road, south of Glenview Place, as shown on the attached map marked as APPENDIX "C", on the following basis:
  - (i) That the lands be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District;
  - (ii) That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, and Zoning District Map W-17C for presentation to Council; and,
  - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That there be no increase in the number of lots on the south side of the future extension of Greywood Road than the number shown on the draft approved plan of subdivision (SAC-95-02).

**4. Demolition of 163 Stone Church Road East (PDC00062)**

That the Building Commissioner be authorized to issue a demolition permit for 163



Stone Church Road East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**5. Amendment to the Approved Vincent Neighbourhood Plan – Proposed Deletion of the Walkway Located Between 166 & 170 St. Andrews Drive – (PDC00064)**

- (a) That the Approved Vincent Neighbourhood Plan be amended by deleting the walkway located between 166 and 170 St. Andrews Drive; and,
- (b) That the closure and disposal of the walkway located between 166 and 170 St. Andrews Drive in the Vincent Neighbourhood Plan, as shown on the attached APPENDIX "D", be referred to the Transport and Environment Committee for implementation.

**6. Cash in Lieu of Parking (210–214 Locke St. S., Hamilton) – (PDC00058)**

- (a) That the application by Joe Stanicak for the building at 210-214 Locke Street South, as shown on the attached map marked as APPENDIX "E", for the payment of Cash-in-lieu for 8 parking spaces in the amount of \$20,400 be approved; and,
- (b) The Traffic Division Staff be directed to meet with the ward aldermen, neighbourhood business and residents to propose solutions to alleviate the parking situation and report back to the Planning and Development Committee; and,
- (c) That the Cash-in-lieu money as referred to in sub-section (a) above be directly applied to alleviate the Locke Street parking problems.

**7. Bills:**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-013 A By-law to Adopt Official Plan Amendment No. 165 Respecting Lands Located at 844 Upper Wentworth Street in the Bruleville Neighbourhood.
- (b) C-014 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at Municipal No. 844 Upper Wentworth Street.



- (c) C-015 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 844 Upper Wentworth Street.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:**

- (a) **Declarations of Interest** (Item 1)

None declared.

- (b) **Adoption of Minutes – March 22, 2000** (Item 3)

The Minutes of the meeting held March 22, 2000 were adopted.

- (c) **ZAR-00-04 Request for a Change in Zoning – 89-91 Vine Street – (PDC00063)** (Item 2.1)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Ed Fothergill was present in support of the recommendation.

No one was present to speak in opposition to the recommendation.

- (d) **ZAR-00-04 Request for a Change in Zoning – 89-91 Vine Street – (PDC00063)** (Item 2.2)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard advised that the north-east corner was not previously rezoned with the rest of the property for parking and that this is now a housekeeping measure.

Of 88 notices circulated 1 replied in favour and 1 opposed.

The proponent was present in support of the application.



No one was present in opposition.

- (e) **ZAC-00-02 Request for a Change in Zoning – North Side of the Future Extension of Greywood Road, South of Glenview Place – (PDC00065)**  
(Item 2.3)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard advised that staff is recommending denial because the proposal is contrary to the terms of the initial settlement, does not have an appropriate transition in development, and does not provide a variety of lot sizes. Of 135 notices sent, 2 replied in favour and 6 opposed.

Angelo Cameracci, Cathy DiSilvestro, purchaser, and Arthur Weisz, developer, were present in support of the proposal.

Mr. Cameracci advised that only phase 3 is to be resolved the layout of other areas has already been determined.

Ms. DiSilvestro distributed photos of the area and a market analysis explaining that "C" zone homes will not sell next to homes of less value. It is not a good investment and people will not purchase them.

No one from the public was present to speak on the matter.

Alderman D'Amico asked if the proponents were willing to decrease phase three by 2 lots thereby increasing the frontages from 10 to 11 metres. The proponents were agreeable.

Alderman Copps supports the staff recommendation.

Following discussion the Committee passed a resolution to approve the Zoning application as amended to decrease Phase three by 2 lots thereby increasing the frontages from 10 to 11 metres.

\* Alderman Copps was opposed.

- (f) **Demolition of 15 Division Street (PDC00060)**( Item 4.1)  
-and-  
**Demolition of 74 Harrison Street (PDC00061)**(Item 4.2)



The Committee tabled the reports in order to allow the ward aldermen to meet with the residents and the owners of the property.

(g) **Amendment to the Approved Vincent Neighbourhood Plan – Proposed Deletion of the Walkway Located Between 166 & 170 St. Andrews Drive – (PDC00064) (Item 5.1)**

The Chairperson advised that notice was sent out to the public regarding this meeting and as such it is a public meeting open to presentations.

Kevin Rudd, owner of 166 St. Andrews Drive was present and advised that he initiated the closure and gave a brief history of the walkway indicating that it has been used as a dumping ground. He further advised that the City removed a retaining wall 2 ½ years ago and as a result his neighbour's property has had damage due to soil erosion.

Mr. Meiers suggested that the owners of the property initiate a claim for damages.

In addition to approving the recommendation of the General Manager, Community Planning and Development Division, the Committee also resolved as follows:

That Public Works Division Staff prepare a report for the Transportation and Environment Committee which gives cost estimates and recommendations for repairs to property at 170 St. Andrews Drive as a result of the City's removal of a retaining wall abutting the walkway located between 166 and 170 St. Andrews Drive.

(h) **Cash in Lieu of Parking (210–214 Locke St. S., Hamilton) – (PDC00058) (Item 6)**

Mr. Diggins was present to speak in opposition to the Cash-in-lieu request.

He stated that the area is congested and many successful businesses are located along the street, which generates traffic, and there is no provision for patrons to park other than on street parking and residential side streets. He feels that Cash-in-lieu will not alleviate the problem. He asked the Committee to deny the request because expansion without parking is unreasonable.

Margaret Webster of 30 Chatham Street was present in opposition to the



Cash-in-lieu. She added that the corner of Chatham and Locke Street is hazardous.

Terry Stortz of 5 Chatham Street was present in opposition to the Cash-in-lieu. He agreed that the West Town is an asset to the community but that he is in agreement with the staff recommendation. He stated that if approved that Committee should do so under the following conditions:

- \* development of a parking plan
- \* formalization of the parking spaces leased by Computer post
- \* assurances that cars not driving the wrong way on Chatham street

Joe Stanicak, Owner of the West Town Bar and Grill was present in support of the Cash-in-lieu proposal. He stated that the only reason he is expanding his business is to comply with the new smoking by-law. He added that several restaurants established after his business, which are located on Locke Street, were not required to provide parking. He added that many of his patrons are local and walk. He also provides 12 parking spaces that he leases in addition to 3 on site. He compared his situation with Hess village and added that should he be unable to expand he must exercise the house rule that does not allow children.

Alderman Caplan sated that the West Town was the catalyst for redevelopment on Locke Street. He stated that a possible solution would be to introduce parking meters on Locke Street.

Alderman Kiss supports the staff recommendation. She referred to the OMB decision that states that the impact of parking is major. She noted that the area was originally residential and that the spillover from commercial parking is a great problem.

Alderman Eisenberger suggested that a potential solution can be the use of the library property. He felt that 2 hour limit parking meters would help the parking problem.

Although the restaurant is a positive for the area, the parking issues still need to be resolved.

Alderman Copps felt that residents should not be required to use the alleyways for parking. Cash-in-lieu does not solve the parking problem.

Alderman Collins stated that the story of Locke Street is a success story that occurred without public funding. Parking must be addressed.



Alderman Haining stated that if the business was a retail establishment it would not be required to provide parking if under 5,00 Square feet. It is unfortunate that the expansion is resulting from a City Smoking By-law.

Alderman Corsini does not support the staff recommendation.

Alderman Charters stated that the downtown needs people in order to be successful and that Locke Street is successful. It's where people want to be. Cash-in-lieu should be approved but the parking issue must be addressed.

The recommendation of the General Manager, Community Planning and Development Division dated March 17, 2000 was not voted upon.

Instead, a motion was placed on the floor and a vote called upon for each of the three sections.

\* Alderman Copps was opposed to sub-section (a)

(i) **Other Business (Item 7)**

- (i) Request for repeal of Site Plan By-law 98-206 woodland Meadows, West 5<sup>th</sup> and Stone Church Road West (Added)

Leave was granted to hear an added item.

Serge Manchia of Planning Initiatives was present to request repeal of Site Plan By-law 98-206 woodland Meadows, West 5<sup>th</sup> and Stone Church Road West.

He stated that the original zoning proposal was changed and as such the site plan based on the original proposal should be rescinded.

Paul Mallard advised that the abutting neighbours, Mr. Settino and Mr. Piano were against the development based on the orientation of the lots. As a result Mr. Manchia agreed to resolve their concerns by having the buildings designed to be oriented towards Picino Street.

The Committee directed staff to meet with the residents and the proponent in order to resolve the concerns and report back to a special meeting of the Planning and Development Committee on Tuesday April 11 before City Council.



- (ii) Cancellation of April 19, 2000 Planning and Development Committee Meeting

As a result of Aldermen being away for the American Planning Association Conference in April we will not have quorum and those items previously scheduled for that meeting will be rescheduled to the meeting of May 3, 2000.

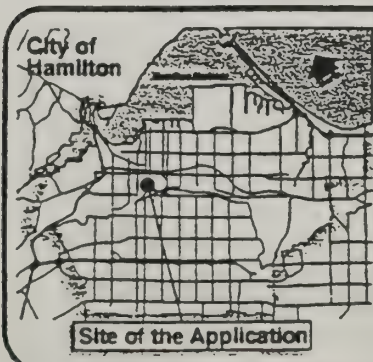
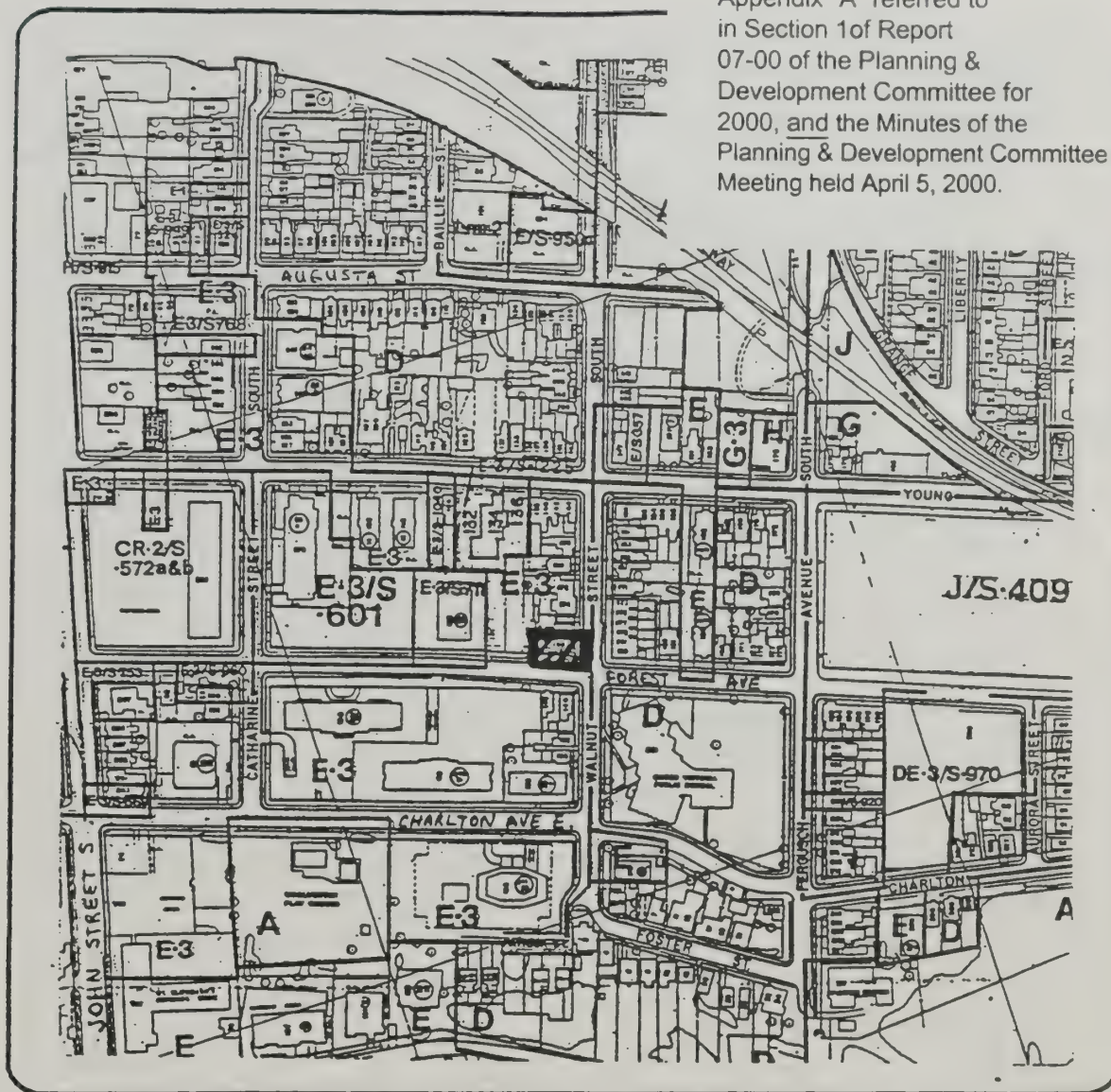
Note: The meeting of the Planning and Development Committee adjourned at 11:35 a.m.

**Alderman F. D'Amico, Chairperson  
Planning and Development Committee**

**Tina Agnello, Legislative Assistant  
April 5, 2000**



Appendix "A" referred to in Section 1 of Report 07-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held April 5, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District

Reference No:  
**ZAR-00-03**

Scale  
**Not to Scale**

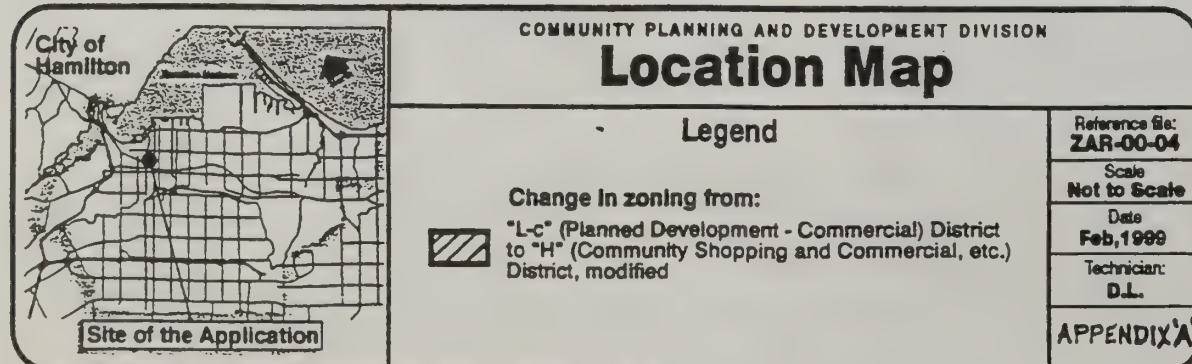
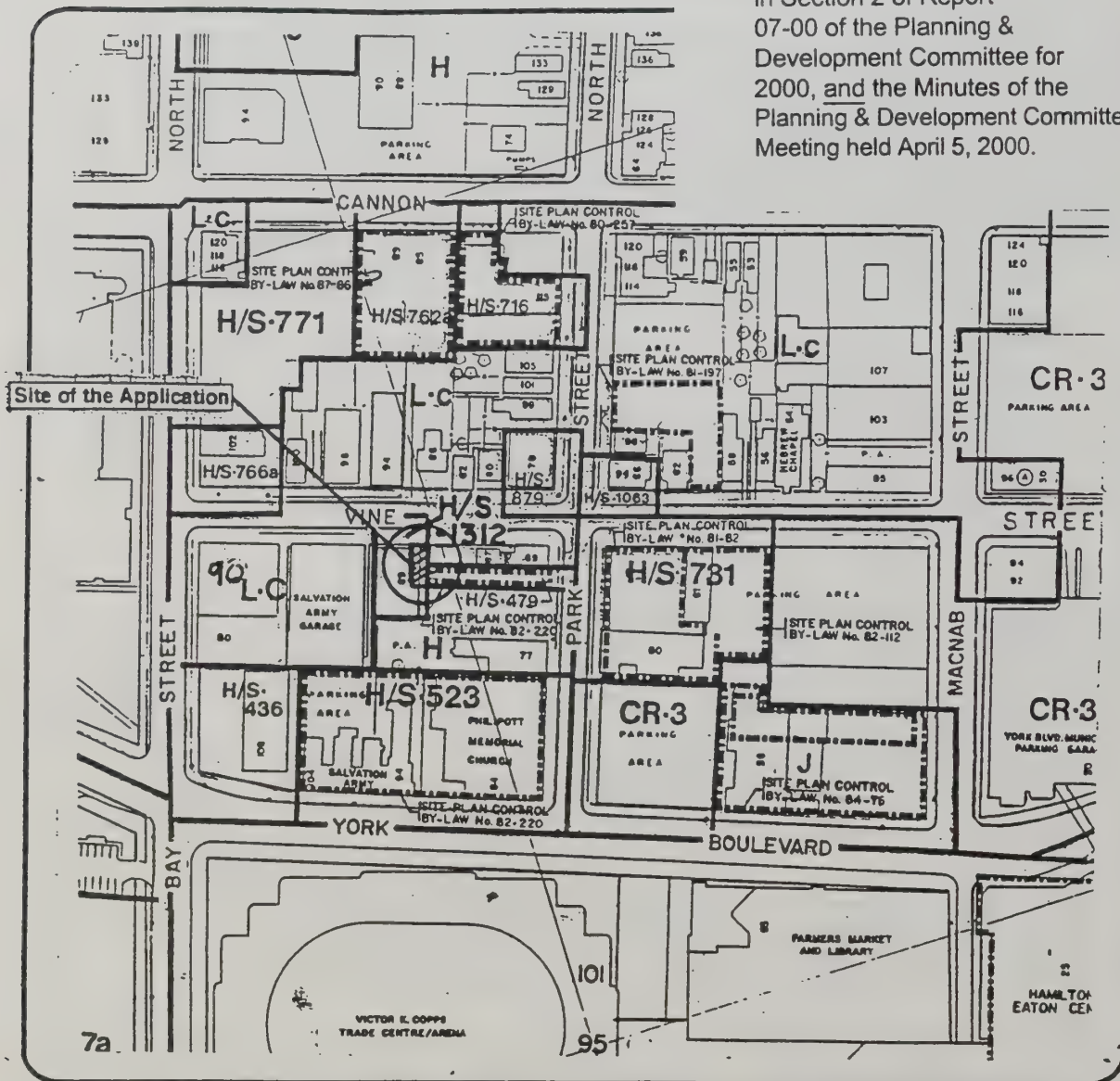
Date  
**Feb, 1999**

Technician:  
**D.J.**

**APPENDIX 'A'**

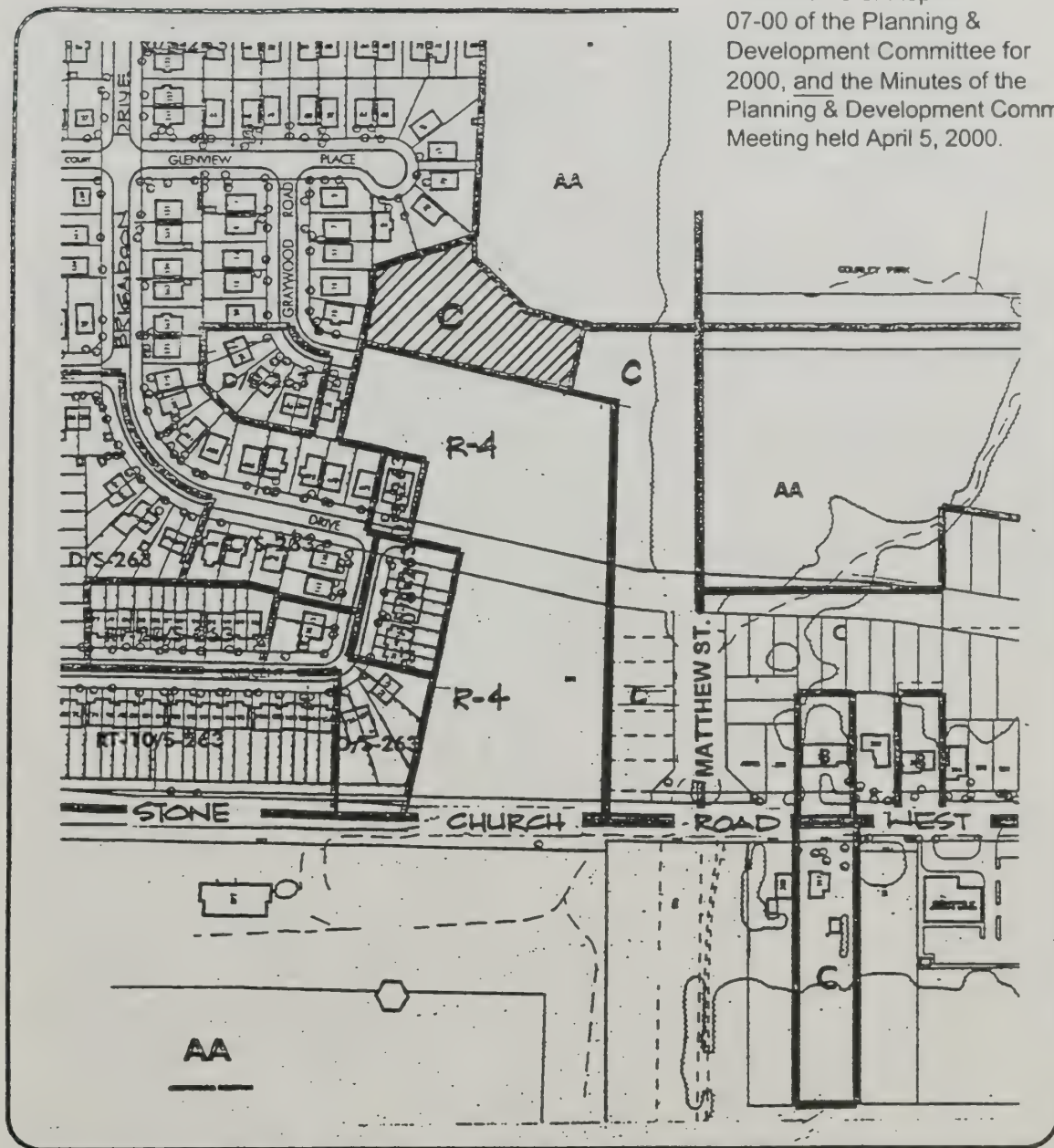


Appendix "B" referred to in Section 2 of Report 07-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held April 5, 2000.





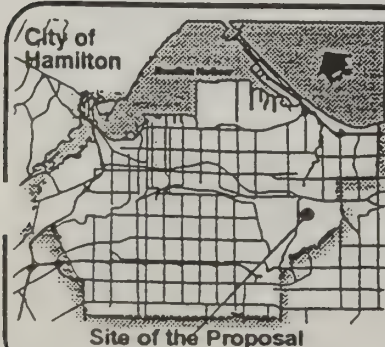
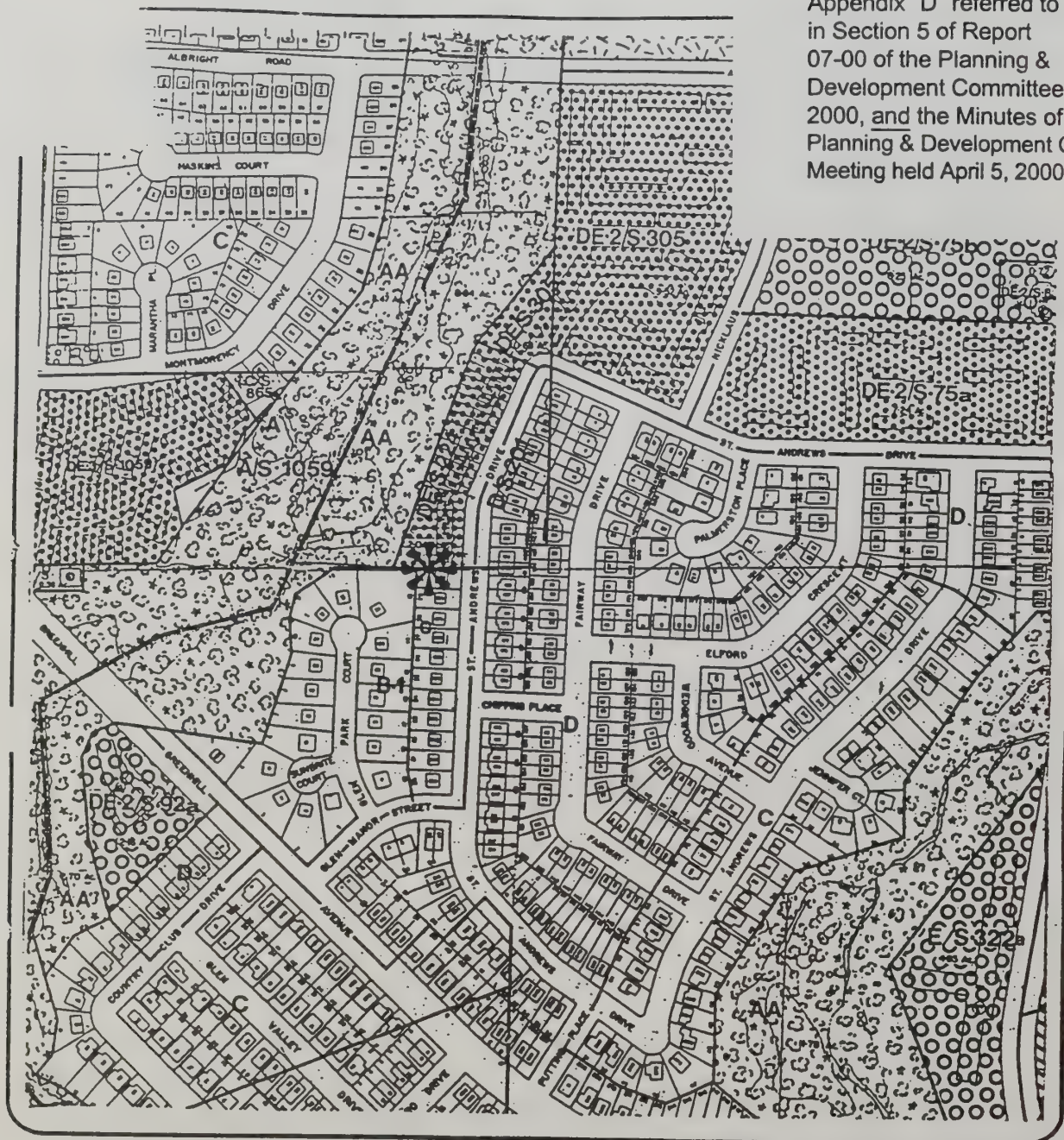
Appendix "C" referred to in Section 3 of Report 07-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held April 5, 2000.



<p>Site of the Application</p> <p>City of Hamilton</p>	<p>COMMUNITY PLANNING AND DEVELOPMENT DIVISION</p> <h2 style="text-align: center;">Location Map</h2>		<p>Reference No: <b>ZAC-00-02</b></p> <p>Scale Not to Scale</p> <p>Date <b>Feb., 2000</b></p> <p>Technician: <b>B. B.</b></p> <p><b>APPENDIX IV</b></p>
	<p><b>Legend</b></p>		
	<p>Change in Zoning from:</p>		
		<p>"C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District</p>	



Appendix "D" referred to in Section 5 of Report 07-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held April 5, 2000.



## COMMUNITY PLANNING AND DEVELOPMENT DIVISION

**Location Map****Legend**

Proposed Neighbourhood Plan  
Amendment to delete walkway.

Reference file:  
P5-2-132

Scale  
Not to Scale

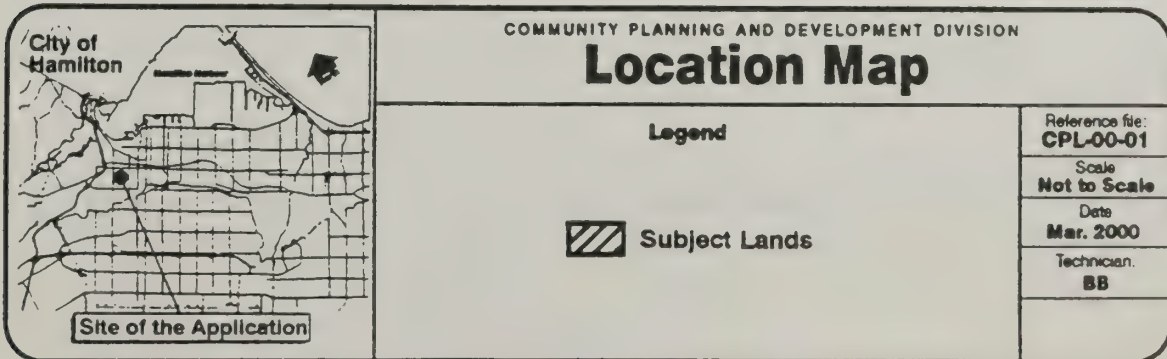
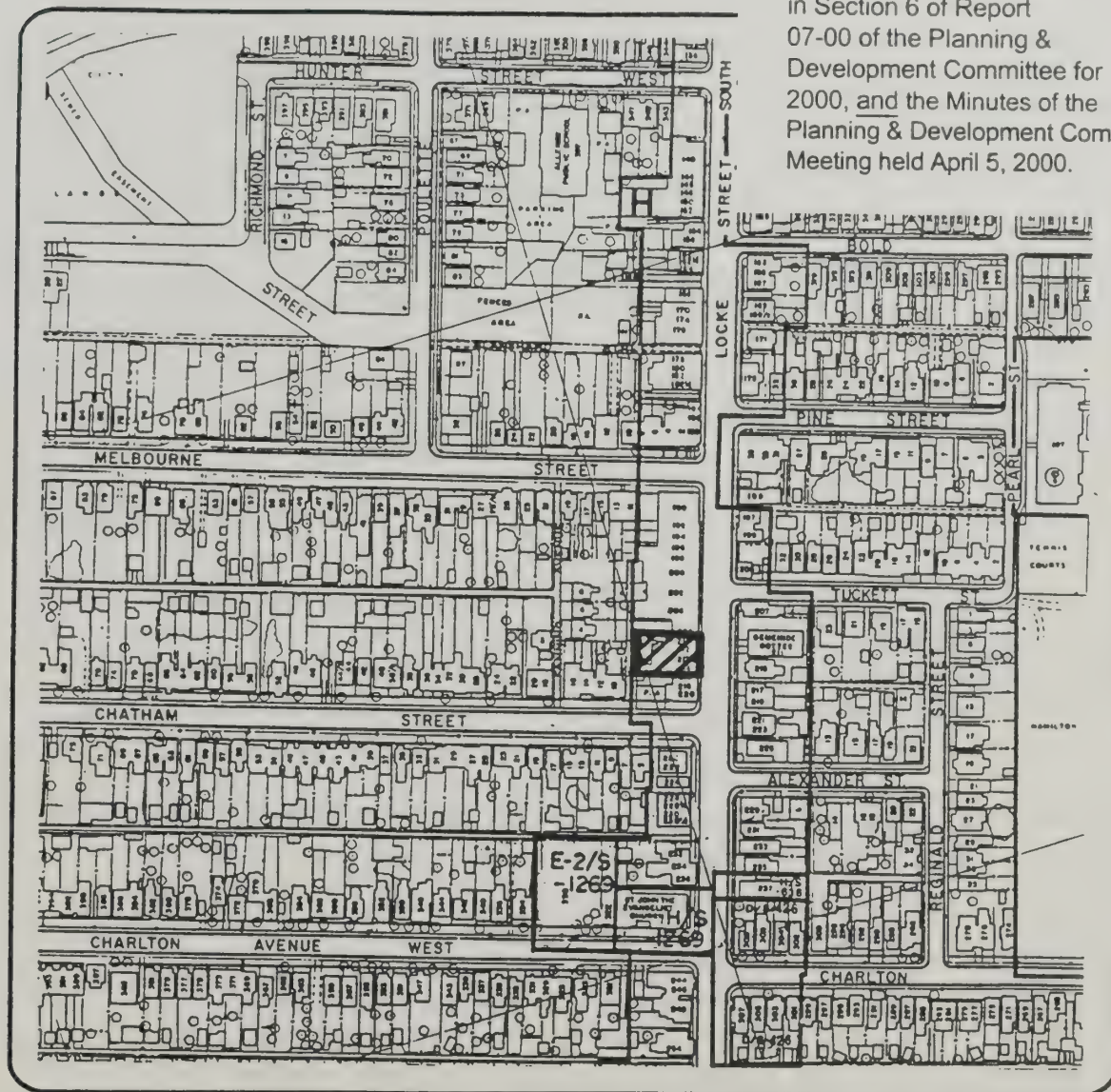
Date  
January 2000

Technician:  
R.L.





Appendix "E" referred to in Section 6 of Report 07-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held April 5, 2000.









41

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 April 11

REPORT TO: Chairman and Members  
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

SUBJECT: Demolition of:  
9 CHARLTON AVENUE WEST - Tag Number 00 143557  
(00.1.1.A) (PDC-00076)

*Lee Ann Coveyduck*

RECOMMENDATION:

1. (a) That subject to subsection (b) below, that the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 9 Charlton Avenue West, in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of The Planning Act (Section 33); and]
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 9 Charlton Avenue West subject to the following conditions:
  - (i) the applicant has applied for and received a building permit for a replacement building on the property; and,
  - (ii) the said building permit specifies that the new building be erected within two years of the demolition of the existing building on this property; and,
  - (iii) the said building permit specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000; and,
  - (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,
  - (v) if the said building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval is not required.



**BACKGROUND:**

PRESENT ZONING: E-1/S-1377 (Map W-5)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Residential Care Facility

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling for the construction of a residential care facility. The required site plan application DA-99-26 has been submitted and the plans were approved, however, the site plan agreement has not been finalized or registered on title. The required building permit application has not been submitted to replace the building to be demolished. This property is located in the Durand Neighbourhood and is located in Ward 2 (please see attached neighbourhood map and city overview map). Please note that this property is on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Board (L.A.C.A.C.). Lot size 9.14m x 32.0m.

The owner of the property as per the demolition permit is:

Duran General Partners Inc.  
208 Evans Avenue  
Toronto, ON M8Z 1J7

FP/zr



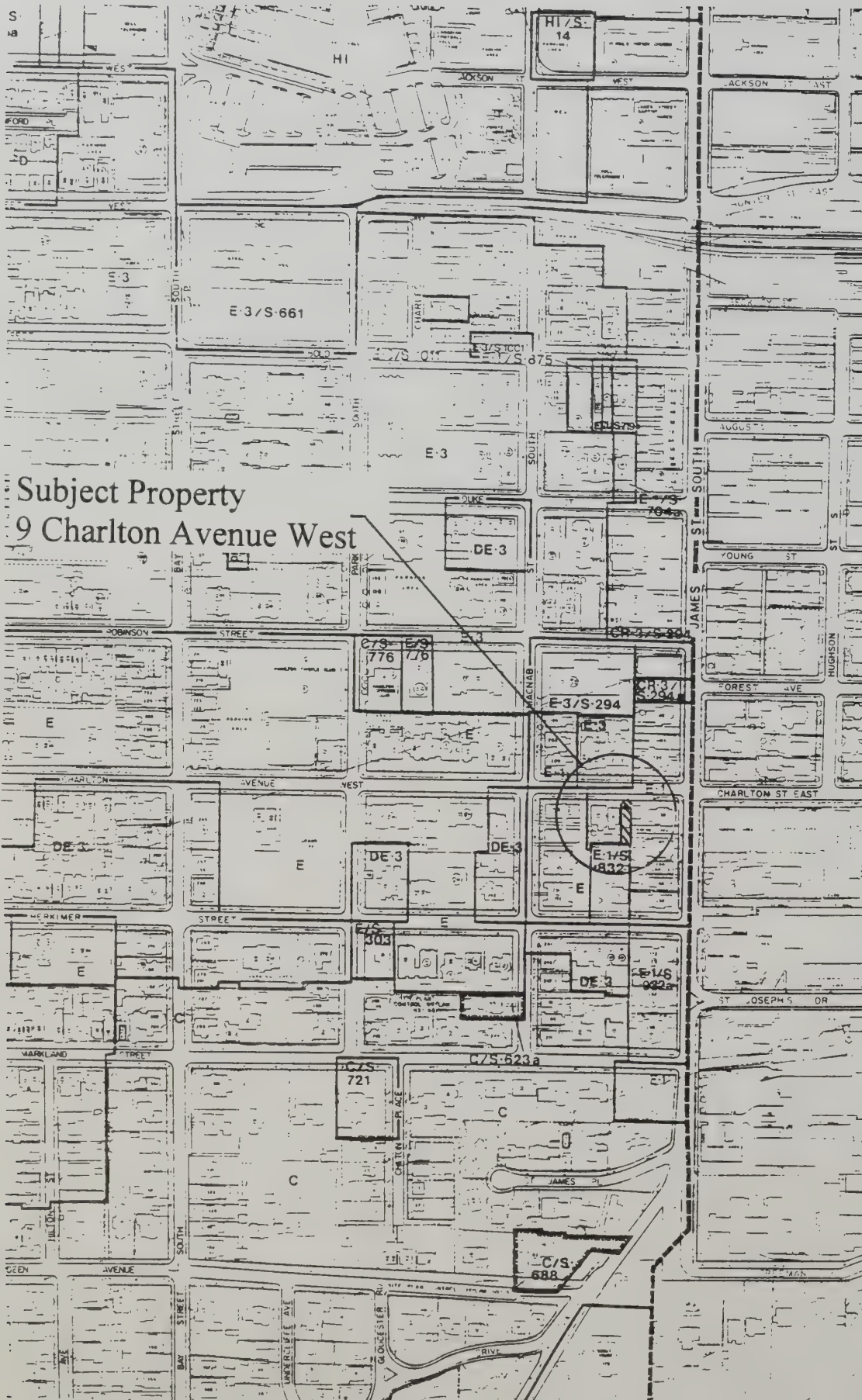
# General Location of

9 Charlton Avenue West

★ Site of Application







Subject Property  
9 Charlton Avenue West



4.2

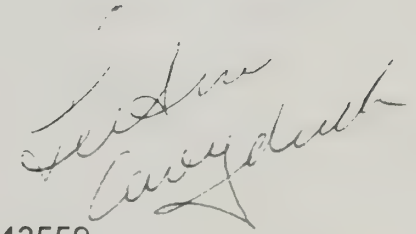
CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 April 11

REPORT TO: Chairman and Members  
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager  
Community Planning and Development Division



SUBJECT: Demolition of:  
11 CHARLTON AVENUE WEST - Tag Number 00 143559  
(00.1.1.A) (PDC-00077)

RECOMMENDATION:

1. (a) That subject to subsection (b) below, that the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 11 Charlton Avenue West, in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of The Planning Act (Section 33); and]
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 11 Charlton Avenue West subject to the following conditions:
  - (i) the applicant has applied for and received a building permit for a replacement building on the property; and,
  - (ii) the said building permit specifies that the new building be erected within two years of the demolition of the existing building on this property; and,
  - (iii) the said building permit specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000; and,
  - (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,
  - (v) if the said building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval in not required.



**BACKGROUND:**

PRESENT ZONING: E-1/S-1377 (Map W-5)


PRESENT USE: Lodging House

PROPOSED USE: Residential Care Facility

BRIEF DESCRIPTION: The owner proposes to demolish the existing lodging house for the construction of a residential care facility. The required site plan application DA-99-26 has been submitted and the plans were approved, however, the site plan agreement has not been finalized or registered on title. The required building permit application has not been submitted to replace the building to be demolished. This property is located in the Durand Neighbourhood and is located in Ward 2 (please see attached neighbourhood map and city overview map). Please note that this property is on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Board (L.A.C.A.C.). Lot size 9.14m x 32.0m.

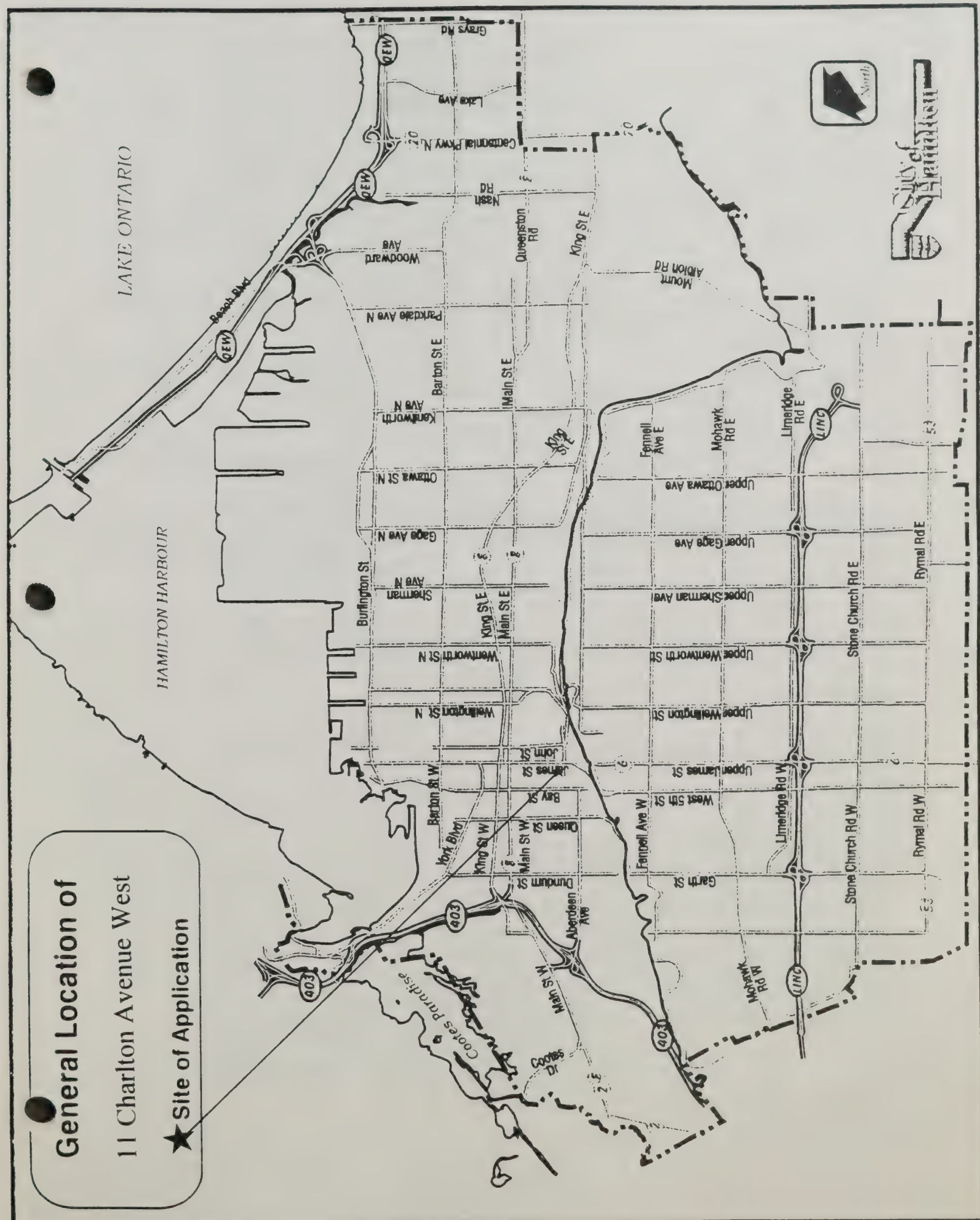
The owner of the property as per the demolition permit is:

Duran General Partners Inc.  
208 Evans Avenue  
Toronto, ON M8Z 1J7

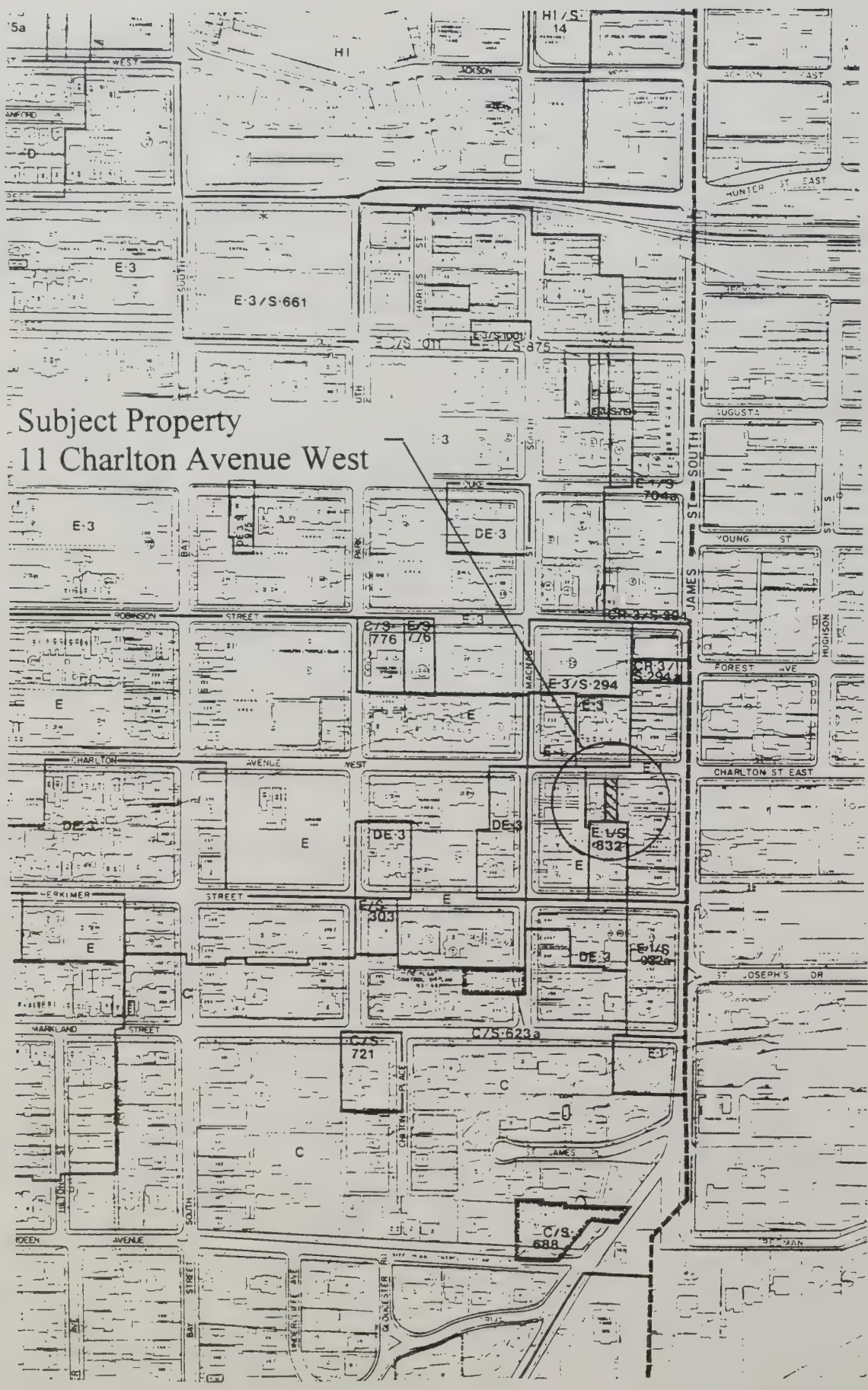
FP/zr  




## ★ Site of Application







Subject Property  
11 Charlton Avenue West



4.3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 April 12

REPORT TO: Tina Agnello, Secretary  
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

SUBJECT: Demolition of:  
1515 Upper Sherman Avenue - Tag Number 00-143350  
(00.1.1.A) (PDC-00078)

*Lee Ann Coveyduck*

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1515 Upper Sherman Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** Transition Board approval is not required.

**BACKGROUND:**

PRESENT ZONING: C (Map E-38D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and construct a new single family dwelling. As of this date a building permit application to replace the dwelling has not been submitted to this department. This property is in the Eleanor Neighbourhood, and is located in Ward 7 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 20.73m x 186.84m.

The owner of the property and applicant as per the demolition permit is:

F. Finelli  
84 Purdy Crescent  
Hamilton, Ontario L9A 3B3

*FP*  
FP/zr



# General Location of

1515 Upper Sherman Avenue

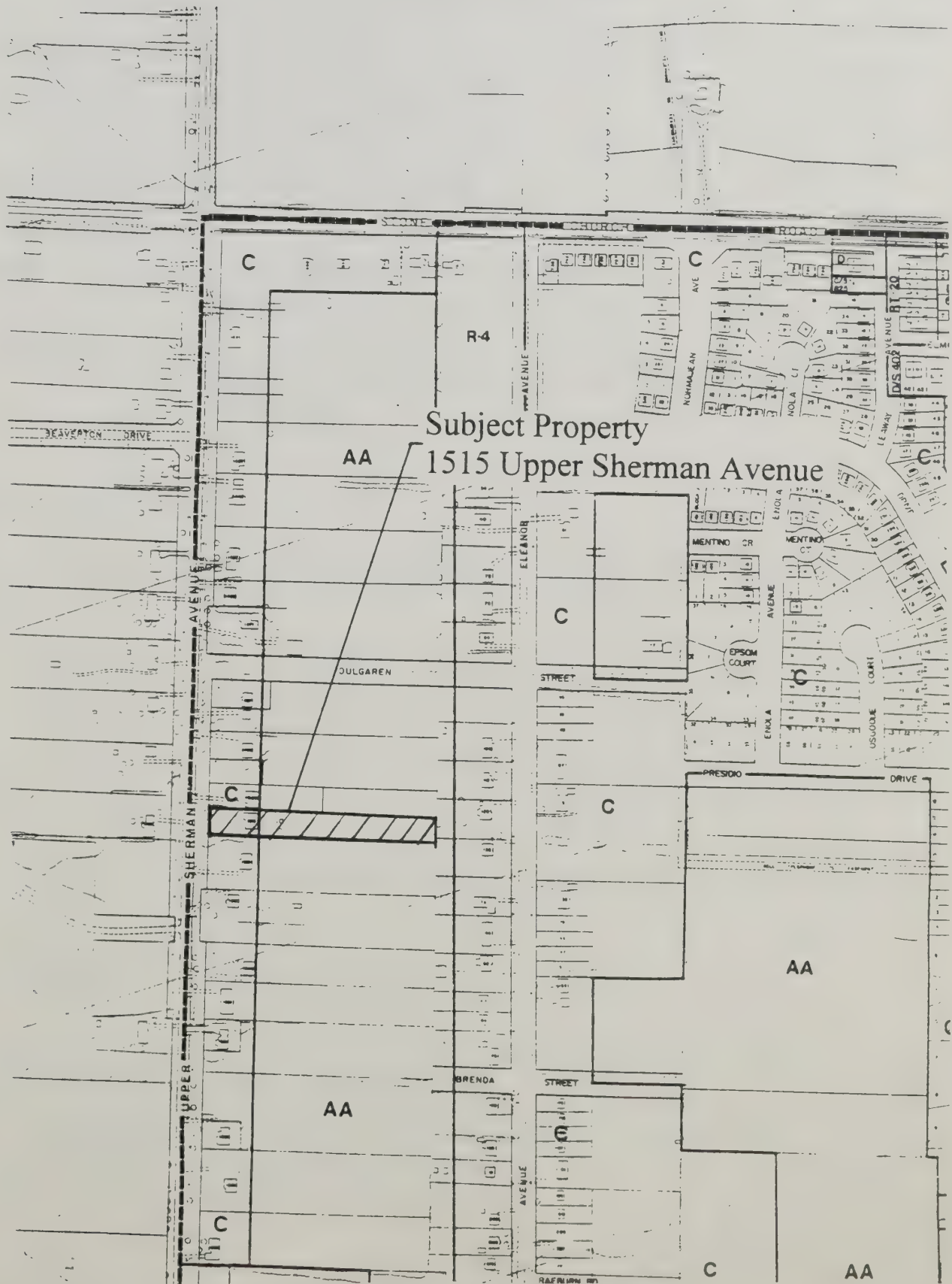
★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR







Subject Property  
1515 Upper Sherman Avenue







4.4

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 27, 2000  
Author: J. Pacey

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** King Street West Business Improvement Area (B.I.A.)  
Proposed Budget and Schedule of Payment for 2000  
(PWT00078)

**RECOMMENDATION:**

- a) That the 2000 operating budget for the King Street West B.I.A. (attached as Appendix "A"), be approved in the amount of \$2,800; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and
- c) That the following schedule of payment for 2000 be approved:

May \$2,800

Note: 1999 assessment appeals may be deducted from the 2000 levy payment.

*Charles Guthro*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The City of Hamilton will send out the individual B.I.A. levy bills in May. The total amount of the B.I.A. levies to the membership of the King Street West B.I.A. will be \$2,800. If any individual B.I.A. member has a successful 1999 assessment appeal, it will ultimately impact the 1999 B.I.A. levy that was billed to that property. The City of Hamilton will reimburse the property owner the difference, and deduct the amount of the reimbursement from the B.I.A.'s 2000 payment.



**King Street West Business Improvement Area (B.I.A.)  
Proposed Budget and Schedule of Payment for 2000 (PWT00078)**

The Transition Board's approval is not required for this report.

**BACKGROUND:**

At its Annual General Meeting held March 21, 2000, the King Street West B.I.A. adopted a year 2000 operating budget of \$2,800. The process followed to adopt the King Street West B.I.A.'s 2000 budget was in accordance with the B.I.A.'s constitution.

LCG:JP:mlr  
Attachment

cc: A.C.Ross, General Manager  
Finance Department  
Attn: Anna Apkarian, Supervisor of Tax Administration/Banking

Catherine Sennett, Co-chairperson  
King Street West B.I.A.

Mark Milligan, Co-chairperson  
King Street West B.I.A.



King Street West Business Improvement Area (B.I.A.)  
Proposed Budget and Schedule of Payment for 2000 (PWT00078)

APPENDIX 'A'

**KING STREET WEST  
BUSINESS IMPROVEMENT AREA'S**

**2000 BUDGET**

Insurance	\$ 810.00
Audit	\$ 400.00
Contingency fund	<u>\$ 280.00</u>
Plus: Administration, Advertising/promotion, Special events, Christmas Decorations, Meeting expenses, Office supplies, postage,	<u>\$1310.00</u>
<b>TOTAL BUDGET</b>	<b>\$2800.00</b>







4.5

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** March 22, 2000  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** **Downtown Hamilton Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00079)**

### RECOMMENDATION:

That the following individual be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Breckon Husband                      4 Hughson Street South, Dalton Timmis Group

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Transition Board's approval is not required for this report.

### BACKGROUND:

The Downtown Hamilton B.I.A.'s Board of Management at its meeting held March 21<sup>st</sup>, 2000, elected Breckon Husband, Dalton Timmis Group, to its Board of Management. The Downtown Hamilton B.I.A.'s constitution dictates that its Board of Management will consist of a maximum of 17 members with no fewer than 7 members (not including the Ward Aldermen). The election of the above individual brings the total number of Board members to 13, not including the Ward Aldermen, therefore is not in contravention to the Downtown Hamilton B.I.A.'s constitution. The Downtown Hamilton B.I.A. is considering additional new members to its Board of Management to fill vacancies due to resignations.

*P.c.c.* Alderman A. Horwath, Ward Two  
Carlo Gorni, Executive Director, Downtown Hamilton B.I.A.







4.6

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** April 11, 2000  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Barton Village Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00086)

### RECOMMENDATION:

That the following individuals be appointed to the Barton Village B.I.A.'s Board of Management:

Mitri Boukhers	448 Barton Street East, Bombardieri Uniforms
Anabela Martins	281 Barton Street East, Totta and Sottomayor Bank Canada
Marlene Balsdon	33 Princess Street, Master Paints and Varnish Co.

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Transition Board's approval is not required for this report.

### BACKGROUND:

The Barton Village B.I.A.'s Board of Management at its meeting held April 11, 2000, elected the above individuals to its Board of Management. The Barton Village B.I.A.'s constitution dictates that its Board of Management will consist of a minimum of 7 members (not including Ward Aldermen). The election of the above individuals brings the total number of Board members to 8 not including the Ward Aldermen, therefore is not in contravention to the Barton Village B.I.A.'s constitution.

c.c. Alderman B. Morelli, Alderman Ward 3  
Alderman A. Horwath, Alderman Ward 2  
Keith Cody, Executive Director, Barton Village B.I.A.







4.7

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** April 13, 2000  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** International Village Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00088)

### RECOMMENDATION:

That the following individual be appointed to the International Village B.I.A.'s Board of Management:

Frank Lauinger                      203 King Street East (owner)

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Transition Board's approval is not required for this report.

### BACKGROUND:

The International Village B.I.A.'s Board of Management at its meeting held April 13, 2000 elected Frank Lauinger as a Board member. The International Village B.I.A.'s constitution dictates that its Board of Management will be composed of no more than 15 members (not including Ward Aldermen). The appointment of Frank Lauinger will bring the total number of Board members to 6, not including the Ward Aldermen, therefore it is not in contravention to the International Village B.I.A.'s constitution.

cc. Alderman A. Horwath, Alderman Ward 2  
Mary Pocius, Executive Director, International Village B.I.A.







CITY OF HAMILTON

48

- RECOMMENDATION -

**DATE:** 2000 April 10

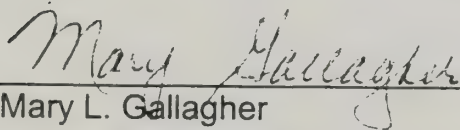
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Mary L. Gallagher  
Legislative Assistant

**SUBJECT:** 227 St. Clair Boulevard - Heritage Permit for Rear Addition  
(PDC00075)

**RECOMMENDATION:**

That a Heritage Permit be approved for a second storey rear addition to the house at 227 St. Clair Boulevard, in the St. Clair Boulevard Heritage Conservation District, as shown on the accompanying rear and side elevations.



Mary L. Gallagher  
Legislative Assistant  
Local Architectural Conservation Advisory Committee

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

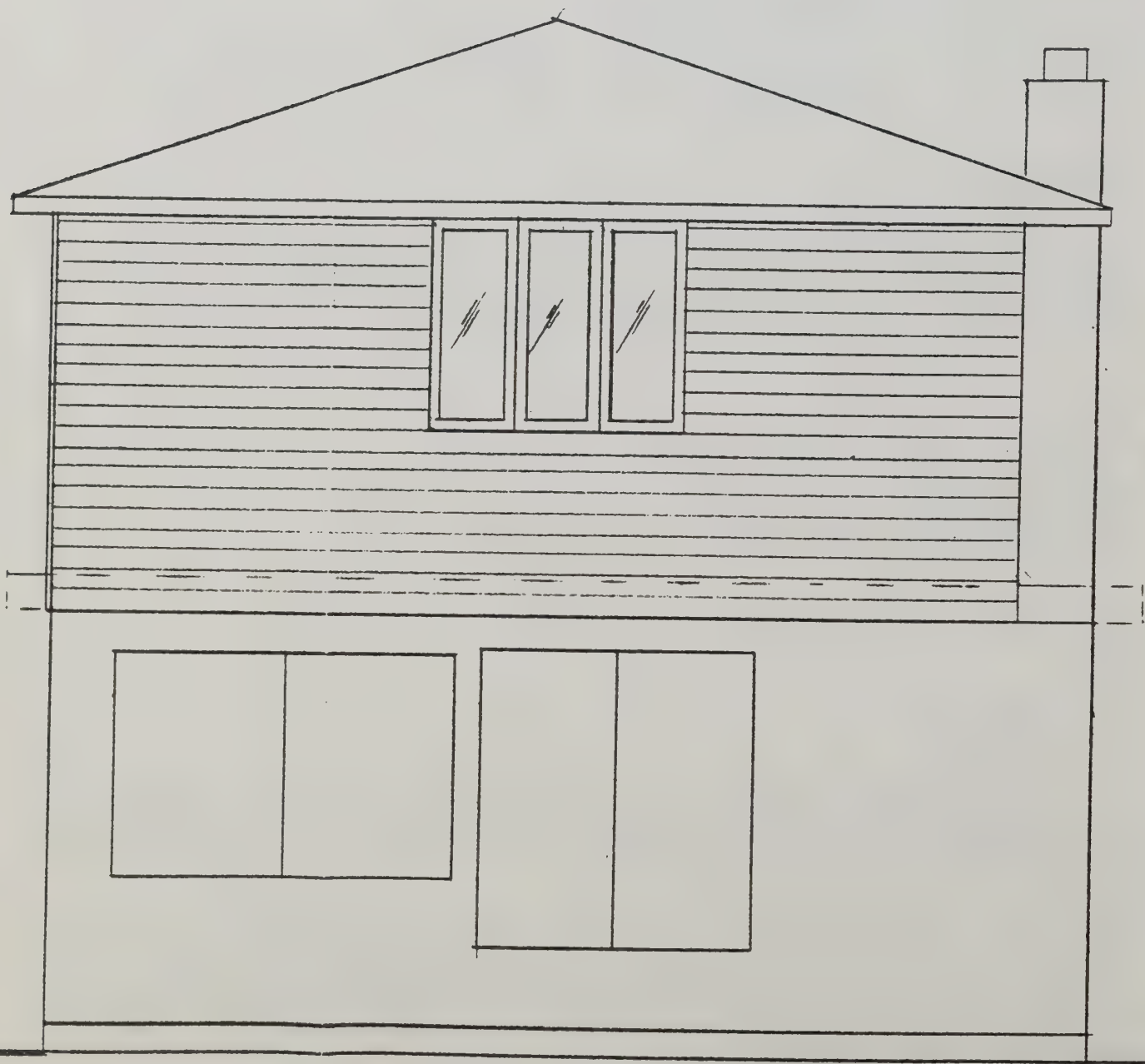
**BACKGROUND:**

In accordance with the provisions of Part V of the Ontario Heritage Act, any alteration or new addition to a building located in a heritage conservation district requires Council approval through the Heritage Permit process.

The owners intend to build a second storey on the existing one-storey rear brick extension. It will be clad in vinyl siding. The roof gables were clad in steel siding a number of years ago. The Research Sub-Committee reviewed the plans at its last meeting held April 3<sup>rd</sup> and had no objections to the proposed addition, given that it will be scarcely visible from the street.

The Local Architectural Conservation Advisory Committee at its meeting held on Monday, April 10, 2000 approved the above noted recommendation.

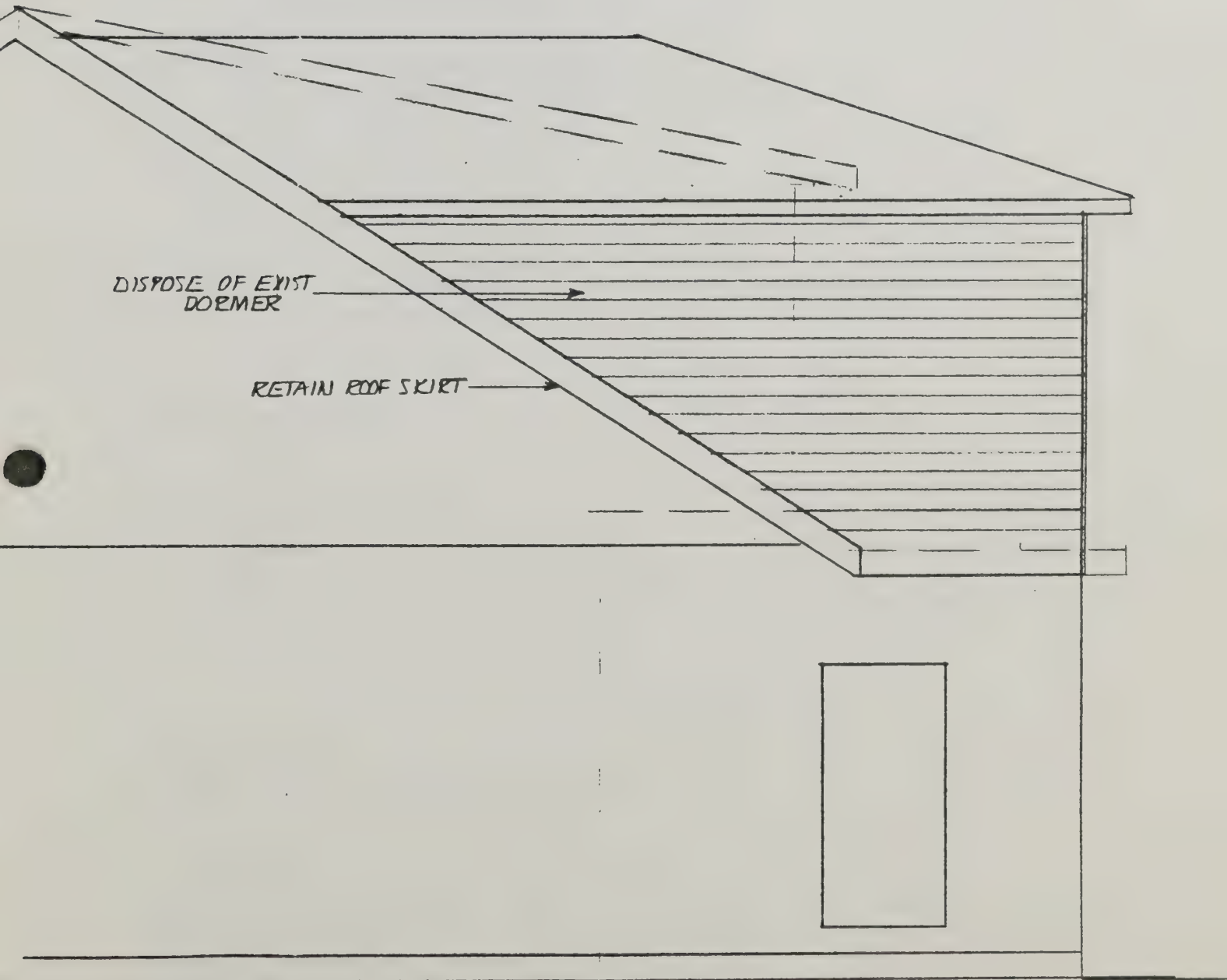




REAR ELEVATION



REAR ELEVATION



SIDE ELEVATION







## CITY OF HAMILTON

**-RECOMMENDATION-**

**DATE:** April 14, 2000  
(P5-2-60)  
Hamilton Beach Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Hamilton Beach Heritage District – Intent to Designate a  
Heritage District for a Portion of the Beach Neighbourhood  
(PDC 00073)

**RECOMMENDATION:**

- a) That the Legal Department be directed to prepare a by-law defining the portion of the Hamilton Beach Neighbourhood between 869 to 1019 Beach Boulevard, on the east side, and 856 to 1052 Beach Boulevard, on the west side, as shown on the attached APPENDIX "A", as an area to be examined for future designation as Hamilton Beach Heritage Conservation District.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**The recommendation does not require Transition Board Approval.**

The City of Hamilton Official Plan requires that a by-law of intent be passed by Council in order to define and investigate an area as a Heritage Conservation District. The Heritage Conservation District Plan, when complete, will be forwarded to Council for approval, along with the designation by-law, subject to Ontario Municipal Board approval. The implementation of the Plan will include review of plans received for new houses in the Hamilton Beach Heritage District by staff and an advisory committee including representatives of the District and LACAC.



## BACKGROUND:

The process for disposal of City-owned lands in the Hamilton Beach Neighbourhood was approved by City Council on December 8, 1998, in accordance with a strategy for their sale. It was resolved that prior to the sale of these lands, three conditions be satisfied, namely that the following be prepared:

- (i) a registered survey identifying each property to be sold;
- (ii) a Master Drainage Plan Study addressing the flooding problems for both private and public properties on the Hamilton Beach; and,
- (iii) **an Infill Guideline Proposal for new housing on Hamilton Beach.**

Infill guidelines are to be prepared within the context of a Heritage District Conservation Plan for a portion of the Beach. The Plan would provide infill guidelines for new construction, and exterior alterations and additions for existing heritage homes within the district.

Protection of the existing character of Hamilton Beach has become an issue due to the planned sale of vacant City lots in the area, for new housing. Residents have expressed concerns about the potential impact of this new housing on the character of the area. To address the concerns of residents, Planning staff undertook a review of design guidelines for new infill housing, especially in the subject area. However, there are no provisions in the Planning Act for enforcing such guidelines. Also, if the intent is to respect and complement the existing turn-of-the-century resort character of this area, then the surviving houses which create this character need to be retained and their features conserved.

The most effective way of preserving the distinctive architectural character of the historic area, and ensuring that new infill houses respect and complement it, would be through designation as a Heritage Conservation District under Part V of the Heritage Act.

The proposed District was identified in the Hamilton Beach Neighbourhood Plan as the area having the greatest concentration of properties of architectural and / or historical interest. This area extended from 869 to 1019 Beach Boulevard, on the east side, and 856 to 1052 Beach Boulevard, on the west side.

The proposal to designate the area defined above as a Heritage Conservation District was discussed by the Local Conservation Advisory Committee at their meeting of June 21, 1999, when the following recommendation was approved:

That a Heritage Conservation District Study and Plan be undertaken by staff of the Community Planning and Development Division, for the portion of the Hamilton Beach Neighbourhood between 869 and 1019 Beach Boulevard, on the east side, and 856 to 1052 Beach Boulevard, on the west side.



The response from property owners in the proposed District has been generally favourable. Letters and information packages were sent to them on several occasions, personal visits were made and response forms were returned. Most of the property owners in the area who responded are in favour of the proposed district. Any owners would have the option to be excluded from the district, if they wish.

The intent at this time is to define and investigate this area as a possible heritage district. The final approval of a heritage district plan requires:

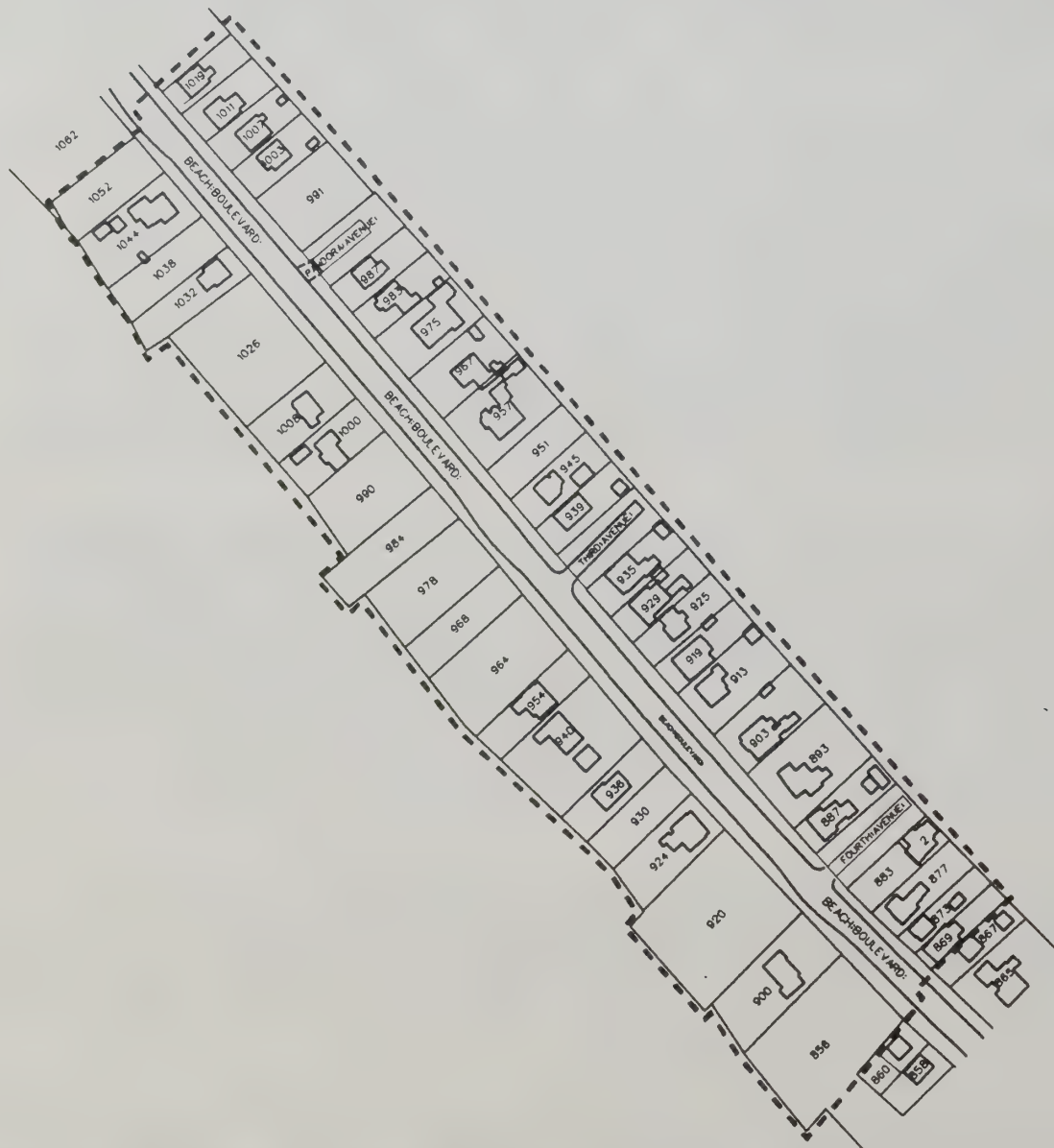
- finalization of a heritage assessment report;
- preparation of a heritage district plan;
- further consultation with residents of this area;
- approval of the heritage district plan and related designation by-law by LACAC, Planning and Development Committee, and Council; and,
- approval of the plan by the Ontario Municipal Board. The OMB decision is made by means of a public hearing, and is not subject to appeal.

Work completed to date includes the preparation of a draft Heritage Assessment Report, which outlines the background information relevant to this study. A public meeting with residents of the area, to enable provision of further information and consultation, will be scheduled for about the end of April. Once the draft Heritage Assessment Report and District Plan are complete, a second public meeting will be held, in mid-summer, followed by finalization of the Plan, anticipated by late summer.

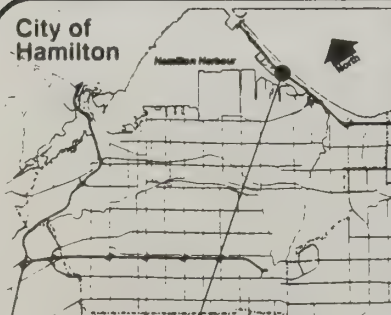
## **CONCLUSION:**

The preparation of a Heritage District Plan is considered the most appropriate approach for identifying infill housing guidelines for the Beach area, and for ensuring these will be effective. For these reasons, it is recommended that a by-law of intent be passed to define this portion of the Beach neighbourhood as the area to be investigated for a Heritage District Plan.





City of  
Hamilton



Site of the Application

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map



**Site of Application**  
(Hamilton Beach Area)

Reference file:

**P5-2-60**

Scale

**Not to Scale**

Date

**April, 2000**

Technician:

**JS**

**APPENDIX 'A'**



4.10

## CITY OF HAMILTON

### RECOMMENDATION

**DATE:** April 4, 2000

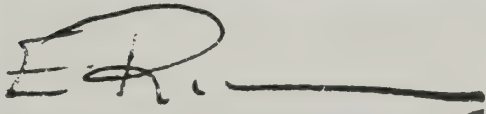
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Dr. Elizabeth Richardson  
Acting General Manager and  
Medical Officer of Health  
Social and Public Health Services Division

**SUBJECT:** Core Heritage 2000 Program  
72 – 76 James Street North, Hamilton (HSB00007)

#### RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of forty-nine thousand, two hundred and thirty-eight dollars (\$49,238) to Chin Yu Wu, registered owner of 72 – 76 James Street North, be approved.



---

Dr. Elizabeth Richardson

#### FINANCIAL/STAFFING/LEGAL/TRANSITION BOARD IMPLICATIONS:

The grant of \$49,238 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$222,031.

Based on a review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.

#### BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.



Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of \$20,000; those with a frontage exceeding 40 feet are eligible to receive an additional \$500 per linear foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional \$5,000 matching grant.

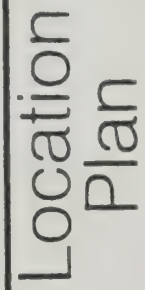
The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes masonry repointing and cleaning; cornice repair; repair and repainting of signs and window replacement.

On the basis of the foregoing, staff recommends that a grant under the Core Heritage 2000 Program be given to the owner of 72-76 James Street North (attached) in the amount of \$49,238.

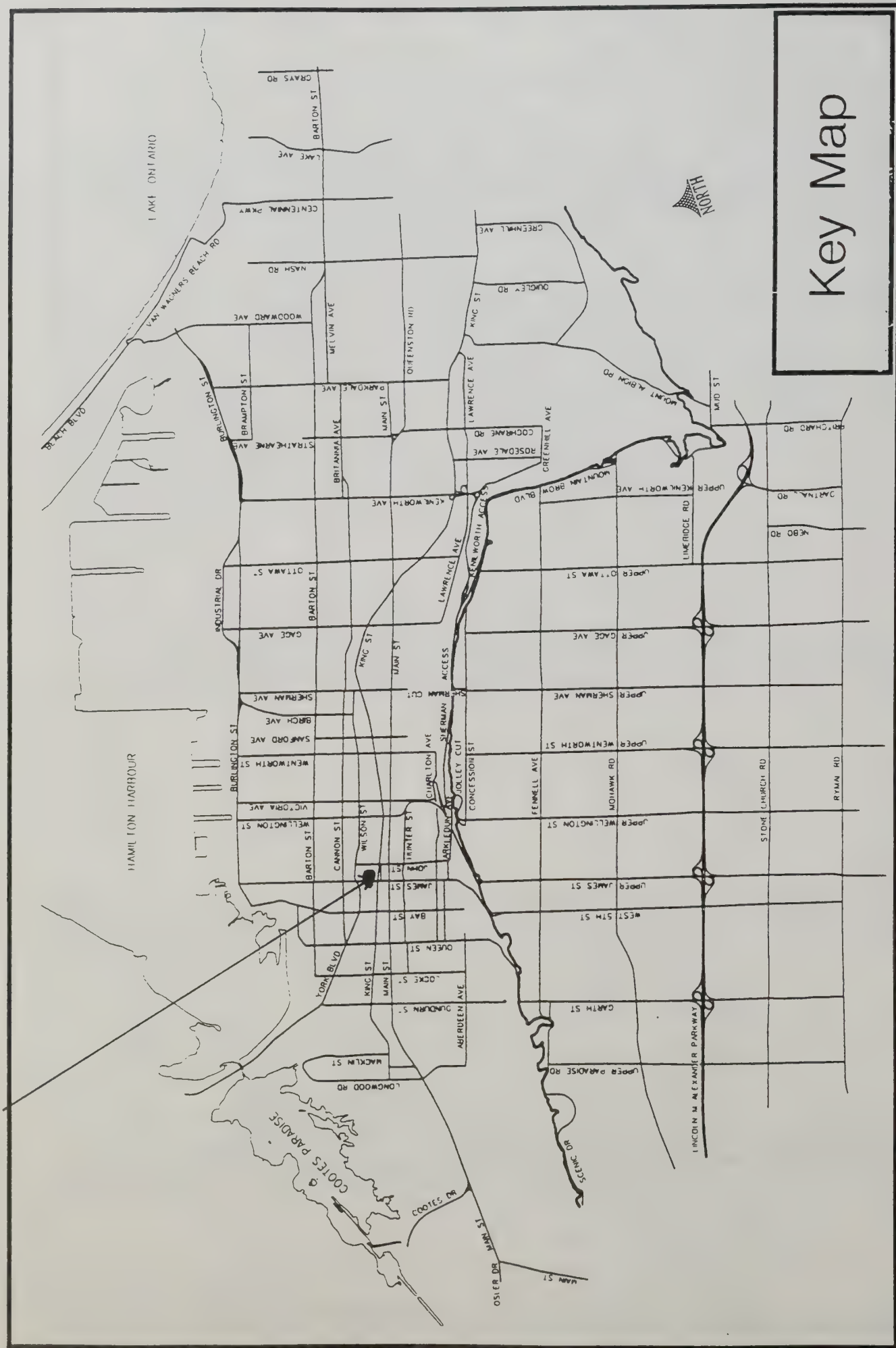
MJS/MM/dk

Cc        R. Camani, Finance Division  
          A. Gillespie, Community Planning and Development Division  
          M.V. Mascarenhas, Housing and Shelter Branch  
          H. Vastis, Legal, Corporate Services Division











4.11

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** April 25, 2000

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Item

**RECOMMENDATION:**

That the following Information Item, attached hereto, be received for information purposes:

- (a) Correspondence from the Director of Housing and Shelter to the Canada Housing and Housing Corporation dated April 18, 2000 re: RRAP program request for extension of deadline submission for construction estimates.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

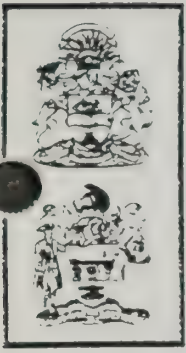
**BACKGROUND:**

The above-noted document has been sent out to members of the Committee and the applicable staff for information purposes and is being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this documents will ensure that the circulation procedure is recorded for this matter.









CITY OF HAMILTON AND  
REGION OF  
HAMILTON-WENTWORTH

(a)

Social and Public Health Services Division  
Housing and Shelter Branch  
Telephone (905) 546-4604  
Facsimile (905) 546-2762

April 18, 2000

Vania Farina  
New Initiatives Officer  
Ontario Assisted Housing Centre – Hamilton  
Canada Mortgage and Housing Corporation  
25 Main Street West, Suite 1000  
P.O. Box 2056, Station A  
HAMILTON ON L8N 3R5

Dear Ms. Farina:

Re: Residential Rehabilitation Assistance Program (RRAP)  
Your Letter dated April 4, 2000 \$1,700,000 Commitment

Thank you for your letter of April 4, 2000. I am writing to request an extension to June 30, 2000 of your April 28, 2000 deadline for submission of construction estimates.

There has been an unprecedented demand for the program and due both to resource constraints and the complexity of many of the projects it would not be possible to meet the April 28, 2000 deadline. I am enclosing a copy of a resolution from Hamilton City Council that will enable more resources to put toward RRAP inspections.

We are pleased with the commitment of the Federal Government to helping address homelessness and the needs of our private rental stock through these RRAP projects and we intend to fully utilize all the funds that have been committed.

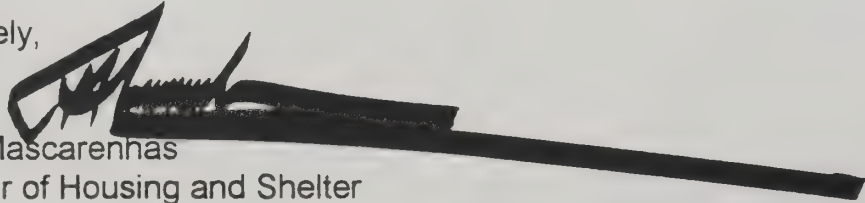
.../2



By June 30, 2000 all estimates will have been finalized and submitted to CMHC so that construction work can then proceed after your approval.

Please confirm your extension in writing and contact me if you have any questions.

Sincerely,



Mark Mascarenhas  
Director of Housing and Shelter

cc    Peter Lampman, Building Department  
      Lee Ann Coveyduck, Community Planning and Development  
      Elizabeth Richardson, Social and Public Health Services Division  
      Marilyn Kay, Housing and Shelter Branch  
      Planning and Development Committee



# Office of the Municipal Clerk

## Memorandum

---

TO: E. Bourns  
Acting General Manager, Human Resources  
Human Resources Department

RECEIVED 8:00 AM APR 12 2000

FROM: K.C. Christenson  
Acting Municipal Clerk  
Office of the Municipal Clerk

PHONE: (905) 546-2727

DATE: 2000 April 12

SUBJECT: Residential Rehabilitation Assistance Program- Hiring of a Temporary  
Technical Officer

For your information and appropriate action, City Council at its meeting of April 11, 2000 approved Item 4 of Report 08-00 as amended as follows:

- "4. That the Building Department Work with the Housing Division to immediately hire a Temporary Technical Officer to Process RRAP and downtown Grant and Loan Programs for conversion to residential and façade improvements Applications for a six-month position from within existing budgets."



cc. P. Lampman, Acting Building Commissioner  
M. Mascarenhas, Manager, Housing Division





RECEIVED 2000 APR 11 01

25 Main Street West, Suite 1000    25 rue Main W. Porte 1000  
P.O. Box 2056, Station A    C.P. 2056, Succursale A  
Hamilton, ON L8N 3R5  
Tel. (905) 570-7373    Fax (905) 572-2413

April 4, 2000

City of Hamilton  
71 Main Street West  
Hamilton, ON L8N 3T4

Attention: Mark Mascarenhas

Dear Mark:

This will acknowledge the receipt of the following applications:

<u>PROGRAM</u>	<u>PROJECT NAME</u>	<u>PROPERTY ADDRESS</u>
<u>Rental RRAP</u>	G.W.Thompson Co. Ltd.	202/204 King St. E., Hamilton
	Pritpal S Deol	92 Kenilworth Ave. N., Hamilton
	Hamilton Housing Co. Ltd.	207-209 King St. E., Hamilton
	Harry Randhawa	29 Burton St., Hamilton
	Gill Sukhwinder (H. Randhawa)	91 Birge St., Hamilton
	First National Mortgage Invst Corp	183-185 Mary St., Hamilton
	Barons Inc.	1500 Main St. E., Hamilton
	Francesco & Fulvia Calvise	24 Somerset Ave, Hamilton
	Allan Laaksonen	241 Gibson St; 48 Princess St., Ham
	Alfred & Leelin Rogand	100 West Ave. S., Hamilton
<u>Rooming House</u>	Mission Services of Hamilton	
	Men's Residence	325 James St. N., Hamilton
	Trillion Investments Corp	
	Cooper Johns Tavern	345 James St. N., Hamilton
	Proctor Manor Lodging Home	81 Proctor Blvd, Hamilton
	Rita's Homes	85 Dunsmure Road; 64 Fairholt S.
	J&M Lodging Home	849 Main St. E., Hamilton
	Universal Lodge	40 West Ave. S., Hamilton
	Brock Lodge	949 King St. E., Hamilton
P. Kalde Surinder	54-60 James St. N., Hamilton	



<u>PROGRAM</u>	<u>PROJECT NAME</u>	<u>PROPERTY ADDRESS</u>
<u>Conversion RRAP</u>	Hamilton Housing Co. Ltd.	213 King St. E., Hamilton
	Hamilton Housing Co. Ltd.	211 King St. E., Hamilton

We are requesting that the acceptable contractors estimates for qualifying work under each program, for the above projects, be received in our office no later than April 28, 2000.

If you have any questions or concerns, please contact me.

Sincerely yours,



Vania Farina  
New Initiatives Office  
Ontario Assisted Housing Centre - Hamilton

cc: Marilyn Kay, City of Hamilton







**CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**  
**a Subcommittee of the Planning and Development Committee**  
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

April 18, 2000

Chairman and Members  
Planning and Development Committee

Dear Committee Members:

Re: Former Health Department Building – CAPIC Comments

City Council at its meeting of April 11, 2000 approved several recommendations regarding the former Health Department Building. It was recommended that no heritage designation be placed on the property, that the property be declared surplus, that it be authorized for sale in accordance with a draft Request for Proposals, and that a development agreement with the City be made a condition of sale.

The Central Area Plan Implementation Committee, CAPIC, discussed this property at their meeting of April 13, 2000. Members noted the desirable features of this property, including the mature landscaping on the property, the fact that the existing building is well-adapted to the site, and that it is of a height which does not interfere with views to the Escarpment. The architectural significance of the building was also noted, as members felt it was a good example of the architecture of Stan Roscoe.

It was also noted that the Downtown Secondary Plan calls for the construction of strategically located parking structures, to reduce the number of surface parking lots, and that there is a need for more residential buildings downtown.

Council has made a decision on how they wish to proceed with this property. The majority of CAPIC members, but not all, felt it would be desirable to retain the existing building, or renovate / rebuild in a manner so as to retain the desirable features of the existing building and site. Therefore, the committee wished to provide comments to enable possible modifications to the Request for Proposals, to allow consideration of submissions including retention of the existing building, should this be possible.

Accordingly, the following motion was passed:

That the Central Area Plan Implementation Committee, CAPIC, provide the following comments regarding the proposed reuse of the Former Health Department Building at 74 Hughson Street South:

- That the east, west and south elevations (facades) of the building be maintained as at present;
- That the existing landscaping surrounding the building be maintained;



- That any reuse of the site be at the present building height, or up to a maximum of 6 storeys; and,
- That a new building could incorporate at-grade entrance from the east, namely from Hughson Street.

It was requested that this motion be forwarded to Planning and Development Committee and Council for their consideration. Thank you.

Yours sincerely,



Mary M. Pocius  
Chairperson  
Central Area Plan Implementation Committee



CITY OF HAMILTON

5.2.1

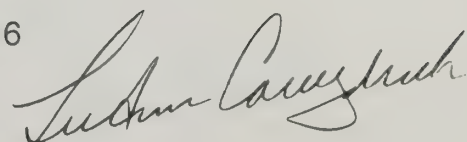
- RECOMMENDATION -

DATE: 2000 March 15

REPORT TO: Chairman and Members  
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

SUBJECT: Demolition of:  
15 DIVISION STREET - Tag Number 00142816  
(00.1.1.A) (PDC-00060)



**RECOMMENDATION:**

- a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 15 Division Street in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 15 Division Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

PRESENT ZONING: C (Map E-63)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot for Church

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and merge these lands with the existing church located at 1415 Barton Street East for the purpose of providing additional parking for the church. As of this date, the required site plan application has not been submitted to the Community Planning and Development Division. This property is located in the Homeside Neighbourhood and is located in Ward 4 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 7.62m x 28.96m.



The owner of the property as per the demolition permit is:

St. Nicholas Church  
1415 Barton Street East  
Hamilton, Ontario  
L8H 2W6

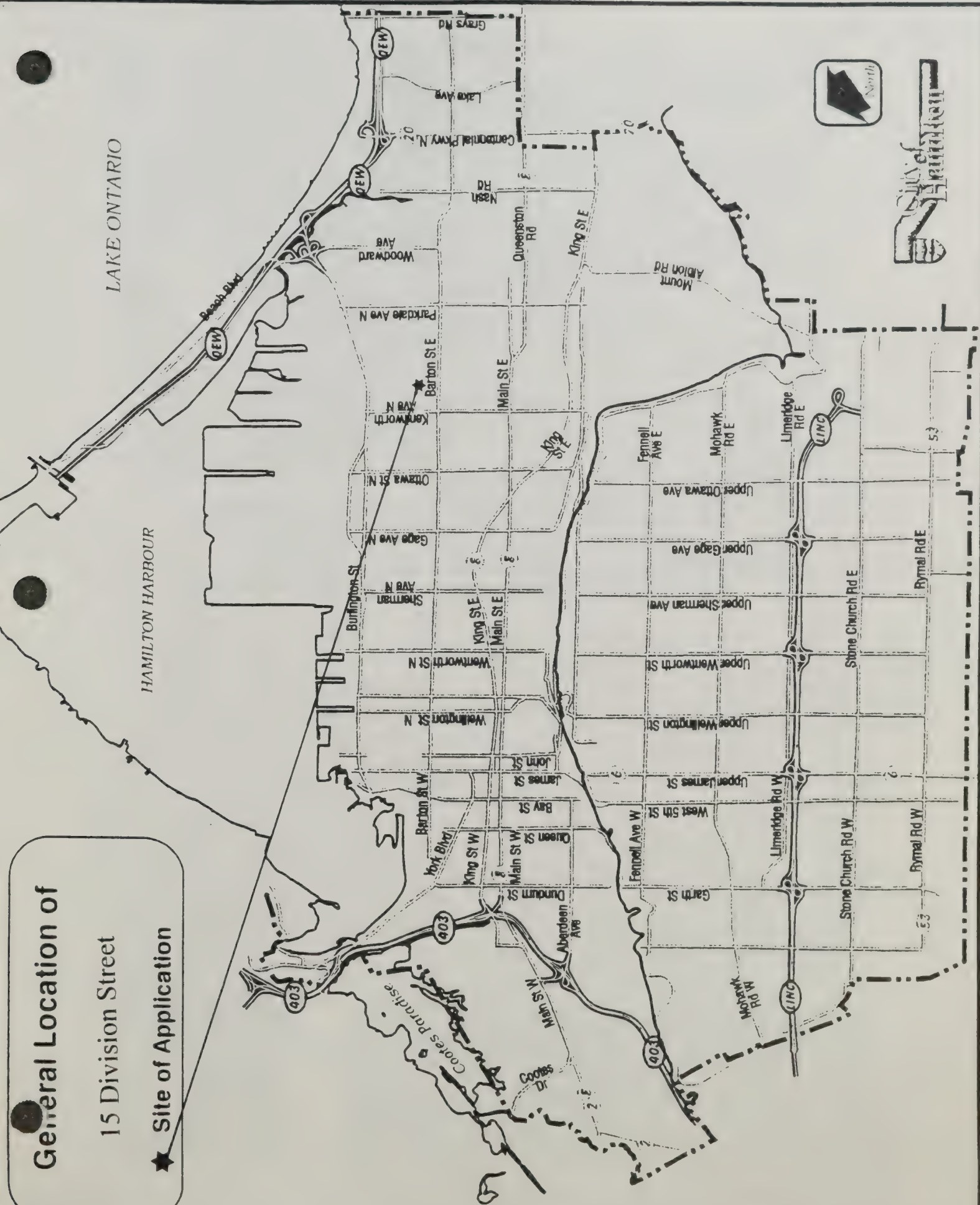
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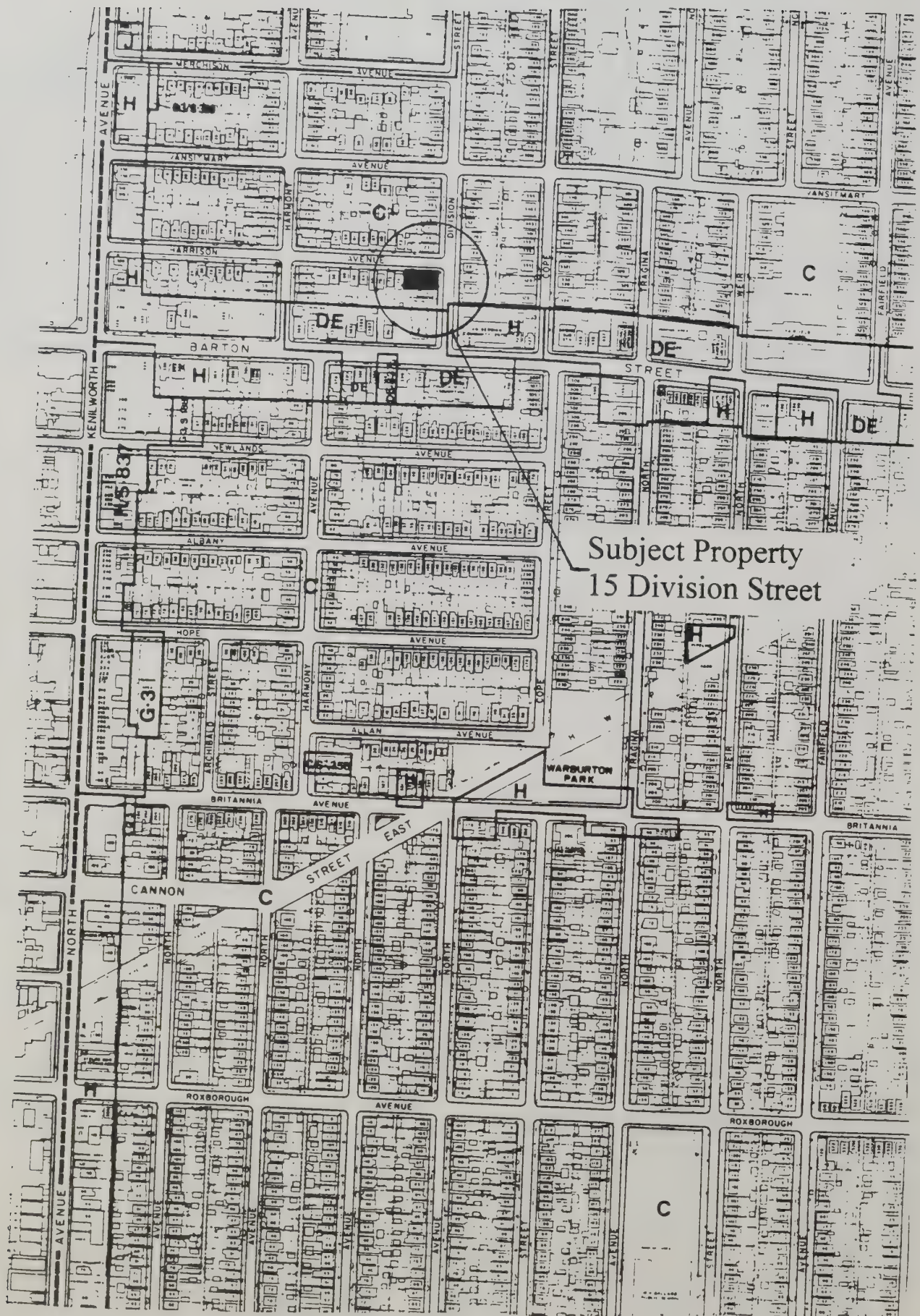
# General Location of

15 Division Street

★ Site of Application







Subject Property  
15 Division Street



Final April 2, 2000 - 16:01:09

5.2.2

**CITY OF HAMILTON**

**- RECOMMENDATION -**

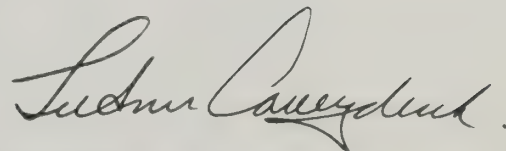
**DATE:** 2000 March 15

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
74 HARRISON STREET - Tag Number 00142814  
(00.1.1.A) (PDC-00061)

**RECOMMENDATION:**



- a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 74 Harrison Street in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 74 Harrison Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C (Map E-63)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Parking Lot for Church

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and merge these lands with the existing church located at 1415 Barton Street East for the purpose of providing additional parking for the church. As of this date, the required site plan application has not been submitted to the Community Planning and Development Division. This property is located in the Homeside Neighbourhood and is located in Ward 4 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 7.62m x 30.48m.



The owner of the property as per the demolition permit is:

St. Nicholas Church  
1415 Barton Street East  
Hamilton, Ontario  
L8H 2W6

FP/zr



# General Location of

74 Harrision Street

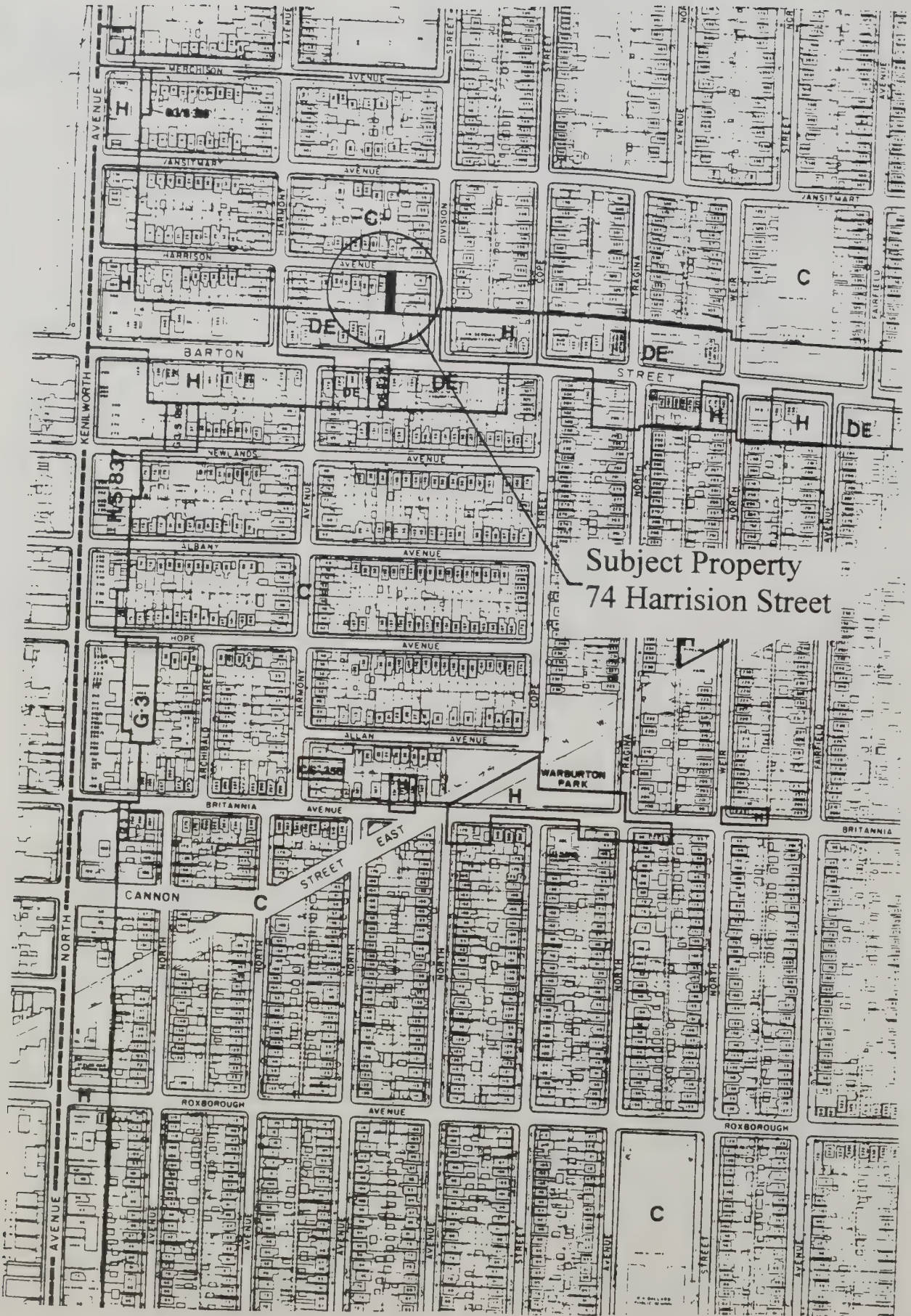
★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR







Subject Property  
74 Harrison Street





APR 18 2000

6

CITY COUNCIL  
HAMILTON, CANADA

Alderman Terry Anderson

71 MAIN STREET WEST, HAMILTON L8P 4Y5 • (905) 546-2730 • RES. (905) 383-8076 • Ward 7

April 17, 2000.

TO: Guy Paparella,  
Director, Land Development.

FROM: Terry Anderson,  
Alderman, Ward 7.

SUBJECT: REQUEST FOR APPLICATION FEE REFUND REGARDING SITE  
PLAN EXEMPTION APPLICATION E-00-10 - 422 EAST 24<sup>TH</sup>  
STREET.

Attached please find a self-explanatory letter from: ... Rito Gizzarelli, 422 East 24<sup>th</sup> Street, Hamilton, Ontario. L8V 4V2 ... who is requesting an **Application Fee Refund**.

Could you please arrange to have this item added to the next Agenda of the Committee?

Thank you in advance for your attention to this matter.

Terry Anderson,  
Alderman, Ward 7.

TA:dd

Attach.







422 East 24<sup>th</sup> Street  
Hamilton, Ontario  
L8V 4V2

March 30, 2000.

Community Planning and Development Division,  
City of Hamilton,  
71 Main Street West,  
Hamilton, Ontario.  
L8P 4Y5.

To Whom It May Concern:

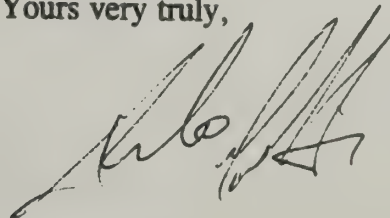
**RE: SITE PLAN EXEMPTION APPLICATION E-00-10**  
**422 EAST 24<sup>TH</sup> STREET**

I am the owner of the above-noted property, and intend to construct a 500 square foot, second-storey addition to the existing single-family dwelling. I was advised my property is under Site Plan Control and that, prior to obtaining a Building Permit, I was required to receive approval of a Site Plan or Site Plan Exemption.

I made an application for Site Plan Exemption to the Community Planning and Development Division, which was approved on February 23, 2000. However, I was required to pay an Application Fee of \$310.00. The purpose of this letter is to request a refund of the Application Fee.

Any assistance you can provide on this matter would be greatly appreciated.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Rito Gizzarelli', written over a horizontal line.

Rito Gizzarelli.







CAY ON HBL A05  
C51P4  
2000

Urban Municipal Collection  
2<sup>nd</sup> Floor  
Hamilton Public Library



# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday May 24, 2000  
9:30 a.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

Tina Agnello  
Legislative Assistant

### CALL TO ORDER

URBAN MUNICIPAL

### 1. DECLARATIONS OF INTEREST

MAY 31 2000

### 2. PUBLIC MEETINGS:

GOVERNMENT DOCUMENTS

2.1 Request for Removal of the Holding Zone for Lands Located at 649 Upper James Street (ZAR-00-12)(PDC00087)

2.2 Request for a Change in Zoning for Nos. 801 & 803 King Street West and 80, 86 and 90 Carling Street (ZAC-00-07)(PDC00091)

2.2.1 Submission: Mr. R. Mason 10 Paradise Rd. North

2.3 Request for a Change in Zoning for 12-14 Brantdale Avenue (ZAC-00-09) (PDC00086)

2.4 Request for a Change in Zoning- 1489-1523 Upper James St. (ZAC-00-13)(PDC00093)

2.4.1 Submission: Robert. C. & Mary Lou Dickson, 1428 Upper James St.

### 3. ADOPTION OF MINUTES

3.1 Minutes of the Regular Meeting Held May 3, 2000

3.2 Minutes of the Special Meeting held May 9, 2000







**4. CONSENT ITEM**

- 4.1 Demolition of 277 Barton Street West – (PDC00084)
- 4.2 Demolition of 279 Barton Street West – (PDC00085)
- 4.3 Request for Validation Certificate for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 66 and 68, inclusive, Reg. Plan 62M-872, "Effort Gardens, Phase 1" (PDC00096)
- 4.4 2000 Commemorative Plaque- Crystal Palace Grounds (PDC00100)
- 4.5 Commercial Property Improvement Loan Program, 544 Concession Street (HSB00008)
- 4.6 Downtown Hamilton BIA, Appointment to the Board of Management (PWT00098)
- 4.7 Information Items

**5. DISCUSSION ITEM**

Site Plan Control Application DA-99-60 for Property at 30 Queenston Road and a Portion of the Adjacent Hydro Corridor (PDC00092)

- 5.1 Submission: B. Hoppe, Tim Hortons

**6. DELEGATION**

Demolition of 14 Belvidere Avenue (information report)

- 6.1 Submission: Mr. Clair Sellens

**7. PRIVATE AND CONFIDENTIAL ITEM (11 o'Clock A.M.)**

Legal Matter

**8. OTHER BUSINESS**

**9. ADJOURNMENT**







# CITY OF HAMILTON

2.1

## - RECOMMENDATION -

**DATE:** 2000 May 8  
ZAR-00-12  
Centremount Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Request for removal of the Holding Zone for lands located at 649 Upper James Street (PDC00087)

### RECOMMENDATION:

- A. That approval be given to Zoning Application ZAR-00-12, 1136193 Ontario Inc., (Hussein Ghaddar), owner, requesting removal of the 'H' – Holding provision under Section 36(1) of the Planning Act, R.S.O., to allow for the development of the subject lands for a convenience food store, for property located at 649 Upper James Street, as shown on the attached map marked as APPENDIX "A"; and,
- B. That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 98-263, and Zoning District Map E-7, for presentation to City Council.

### EXPLANATORY NOTE:

The purpose of the proposed by-law is to remove the 'H' – Holding symbol, for lands located at 649 Upper James Street, as shown on the attached map marked as APPENDIX "A". The 'H' Holding provision was placed on the subject lands until the owner submitted a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the "H" District modified, provisions by enactment of an amending by-law once the condition is fulfilled.



The effect of the by-law is to permit the development of the subject lands for a convenience store.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

As required by the Planning Act, Council shall pass a By-law to remove the 'H' (Holding) symbol when the condition(s) have been satisfied.

#### **BACKGROUND:**

##### Zoning By-law No. 98-263

City Council, at its meeting of October 20<sup>th</sup>, 1998, passed By-law No. 98-263. The purpose of this by-law was to provide a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified and from "H" (Community Shopping and Commercial, etc.) District to "H" – 'H' (Community Shopping and Commercial, etc. - Holding) District, modified.

The effect of the By-law is to permit a range of commercial uses, with the following variances:

- A restaurant is prohibited;
- Require a minimum 1.5 m wide planting strip to be provided and maintained along the southerly lot line except for an access driveway; and,
- Require a minimum 3.0 m wide planting strip to be provided and maintained along the westerly lot line except for an access driveway.

The 'H' Holding symbol was placed on the subject lands until the owner submitted a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledge of receipt of the RSC by the MOE.

##### Site Plan Control Application DA-99-24

Site Plan Control Application DA-99-24 was approved on September 9, 1999 and the revised plans are currently being finalized.

One of the conditions of the Site Plan approval is:

- "(vi) removal of the 'H' holding provision in accordance with Zoning By-law No. 98-263."



**APPLICANT:**

1136193 Ontario Inc. (Hussein Ghaddar), owner.

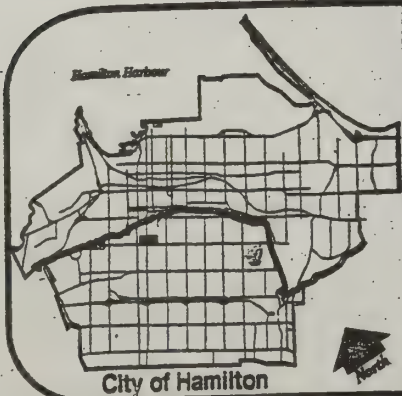
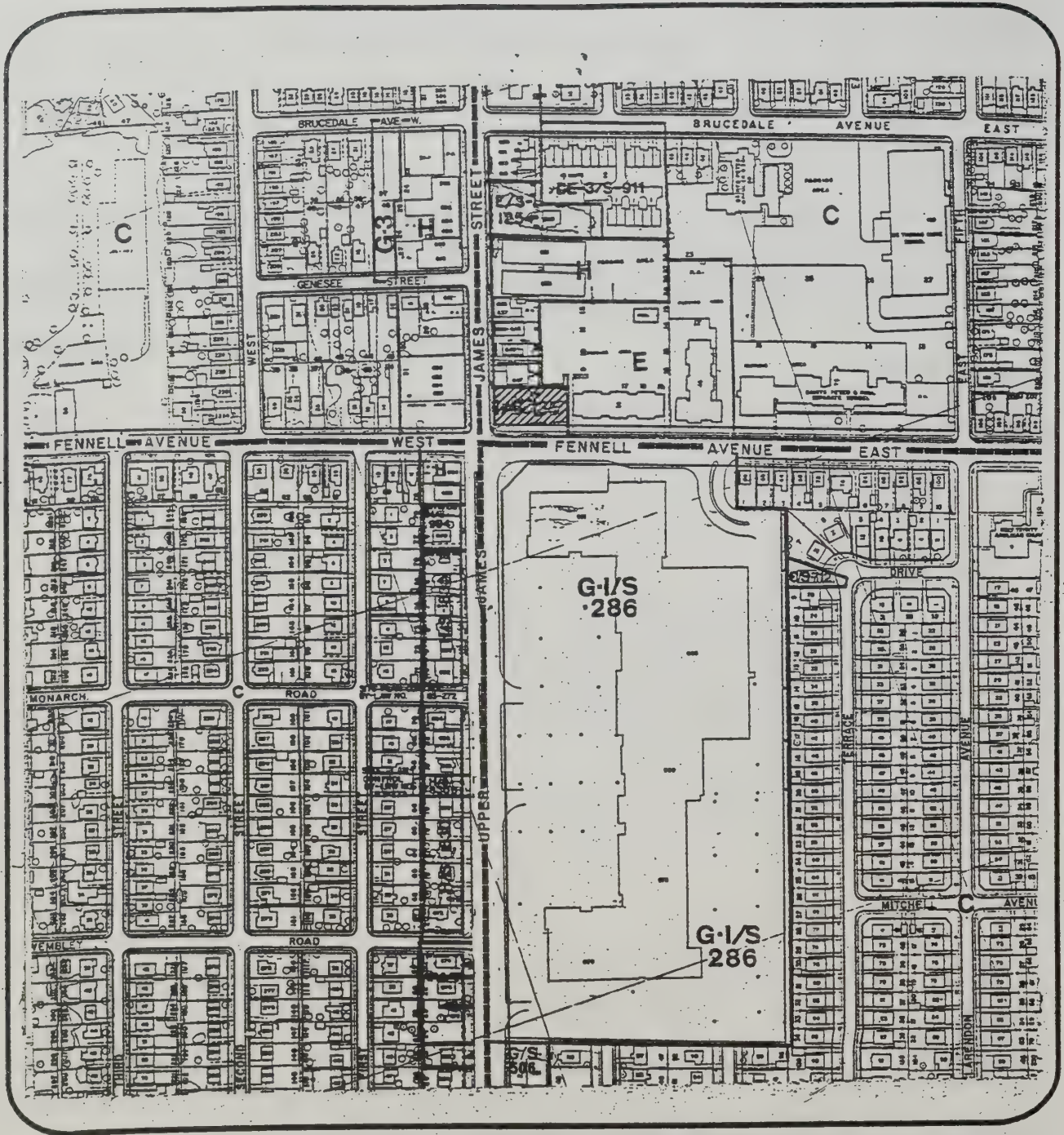
**COMMENTS:**

The Ministry of Environment (MOE) and the Region have advised that they have received the Record of Site Condition (RSC) and are satisfied with the RSC. Further, the MOE has acknowledged receipt of the RSC. On this basis, the condition for removal of the 'H' Holding condition for the subject lands has been met.

**CONCLUSION:**

Based on the foregoing, the removal of the 'H' – Holding provision can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

Legend



SITE OF APPLICATION

Reference file:  
ZAR-00-12

Scale  
Not to Scale

Date

Technician:

APPENDIX A



## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 May 8  
ZAC-00-07  
Westdale South Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development

**SUBJECT:** Request for a change in zoning for Nos. 801 & 803 King Street West and 80, 86 & 90 Carling Street (PDC00091)

**RECOMMENDATION:**

That approval be given to **Zoning Application ZAC-00-07, Citadel Properties Limited, prospective owner**, for a change in zoning from "H" (Community Shopping and Commercial, etc.) District, modified, to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified, to permit a nine storey, 40 unit, condominium apartment building, for lands located at Nos. 801 & 803 King Street West and 80, 86 & 90 Carling Street, as shown on the attached Map marked as APPENDIX "A", on the following basis:

- (a) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the lands until such time as:
  - (i) The owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of the Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,
  - (ii) The owner submits a traffic noise assessment study, prepared by a qualified consultant, investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in the By-law, by enactment of an amending By-law once the conditions are fulfilled.

- (b) That the subject lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District.



- (c) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
- (i) Notwithstanding Section 11.(2)(ii), no building or structure shall exceed a height of 9 storeys or 28.5 m.
  - (ii) Notwithstanding Section 11.(3)(i)(b) a front yard of a depth of at least 6.0 m shall be provided and maintained from the Carling Street front lot line.
  - (iii) Notwithstanding Section 11.(3)(ii)(b) a westerly side yard of a width of at least 3.9 m shall be provided and maintained and an easterly side yard width of at least 2.1 m shall be provided and maintained.
  - (iv) Notwithstanding Section 11.(5) a multiple dwelling shall have a maximum gross floor area of 5,443.94 m<sup>2</sup> and a maximum of 40 class A dwelling units.
  - (vi) Section 18.(3)(ii) shall not apply to the subject lands.
  - (vii) Notwithstanding Section 18.(3)(vi)(cc), balconies may encroach a maximum of 1.2 m into a required front yard.
  - (viii) Notwithstanding Section 18A.(1)(c), one loading space having minimum dimensions of 9.0m long x 3.7m wide x 4.3m high shall be provided and maintained for a multiple dwelling.
  - (ix) Notwithstanding Section 18A.(14g), a parking area may be provided within a required front yard provided it is setback a minimum distance of 3.0 m from the King Street West front lot line and a minimum distance of 6.0 m from the Carling Street front lot line.
  - (x) A minimum 1.5 m wide planting strip shall be provided and maintained along the entire westerly and easterly side lot lines.
  - (xi) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly side lot line, provided that a visual barrier shall be setback a minimum of 3.0 m and a maximum of 5.0 m from the King Street West and Carling Street road allowance limits.
  - (xii) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire easterly side lot line, except that:
    1. A visual barrier shall be setback a minimum of 3.0 m and a maximum of 5.0 m from the King Street West and Carling Street road allowance limits.
    2. No visual barrier shall be required for that portion of the easterly side lot line where an access driveway to an underground parking area is adjacent to a multiple dwelling to the east.



- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W23 be notated S- .
- (e) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W23 for presentation to City Council.
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District, modified, to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified for lands located at Nos. 801 & 803 King Street West and 80, 86 & 90 Carling Street, as shown on the attached Map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for a nine storey, 40 unit, condominium apartment building. In addition, the By-law provides the following variances as special requirements:

- The building or structure shall have a maximum height of 9 storeys or 28.5 m, whereas the Zoning By-law permits a maximum height of 8 storeys or 26 m.
- A minimum front yard of a depth of at least 6.0 m shall be provided and maintained from the Carling Street front lot line, whereas the Zoning By-law requires a minimum front yard setback of 7.5 m.
- A minimum westerly side yard setback of 3.9 m and a minimum easterly side yard setback of 2.1 m shall be provided and maintained, whereas the Zoning By-law requires a minimum side yard setback of 8.42 m.
- A multiple dwelling shall have a maximum gross floor area of 5,443.94 m<sup>2</sup> (gross floor area ratio of 2.03) and a maximum of 40 class A dwelling units, whereas the Zoning By-law permits a maximum gross floor area ratio of 1.7 representing a maximum gross floor area of 4,549.02 m<sup>2</sup>.
- Section 18.(3)(ii), which requires additional open space for through lots with a depth greater than 53 m, shall not apply to the subject lands.
- The balconies may encroach a maximum of 1.2 m into a required front yard, whereas the Zoning By-law allows a maximum projection of 1.0 m.
- One loading space having minimum dimensions of 9.0m long x 3.7m wide x 4.3m high shall be provided and maintained for a multiple dwelling, whereas the Zoning By-law requires one loading space having minimum dimensions of 18.0m long x 3.7m wide x 4.3m high.

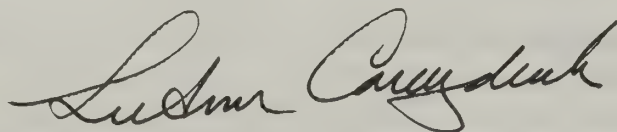


- A parking area may be provided in a required front yard, provided it is setback a minimum distance of 3.0 m from the King Street West front lot line and a minimum of 6.0 m from the Carling Street front lot line, whereas the Zoning By-law does not permit parking within the required 7.5 m front yard.
- A minimum 1.5 m wide planting strip shall be provided and maintained along the entire westerly and easterly side lot lines, whereas the Zoning By-law does not require planting strips.
- A 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly side lot line, except that a visual barrier shall be setback a distance of 3.0 m to 5.0 m from the King Street West and Carling Street road allowance limits, whereas the Zoning By-law does not require a visual barrier.
- A 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire easterly side lot line, whereas the Zoning By-law does not require a visual barrier, except that:
  - The visual barrier shall be setback a distance of 3.0 m to 5.0 m from the King Street West and Carling Street road allowance limits.
  - A visual barrier will not be required for that portion of the easterly side lot line where an access driveway to an underground parking area is adjacent to a multiple dwelling to the east.

In addition, the amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the lands until such time as:

- The owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of the Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,
- The owner submits a traffic noise assessment study, prepared by a qualified consultant, investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in the By-law, by enactment of an amending By-law once the conditions are fulfilled.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**This matter does not require Transition Board approval.**



As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

## **BACKGROUND:**

The majority of the subject lands, located at Nos. 801 & 803 King Street West were previously used for a painting and decorating contractor's business. The site of the contractor's business had an area of approximately 1,658.6 m<sup>2</sup> and had frontage on both King Street West and Carling Street. The business fronted onto King Street and a parking area, access driveway and storage building were located along the Carling Street frontage. The lands located at Nos. 80, 86 & 90 Carling Street are currently used for single-family residential purposes (3 dwellings). The applicant has consolidated the lands at Nos. 801 & 803 King Street West (contractor's business) and 80, 86 & 90 Carling Street (3 dwellings), as shown on the attached map marked as APPENDIX "A", for redevelopment purposes. The proposal is to construct a nine storey, 40 unit, apartment building fronting onto Carling Street (a proposed site plan is attached as APPENDIX "B"). The proposal requires a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified. The applicant also intends on applying for condominium approval for the development, once the rezoning and site plans are approved.

## **APPLICANT:**

Citadel Properties Limited, prospective owner.

## **LOT SIZE AND AREA:**

The subject lands are a through lot with:

- 57.284 m of frontage on Carling Street;
- 30.544 m of frontage on King Street West;
- approximately 60.96 m of depth; and,
- a lot area of 2,675.89 m<sup>2</sup>.

## **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant painting and decorating contractor's business and 3 single-family dwellings	"H" (Community Shopping and Commercial, etc) District, modified



### Surrounding Lands

To the north	Commercial and multiple residential	"H" (Community Shopping and Commercial, etc) District, modified
To the east	Single-family and multiple-family residential	"H" (Community Shopping and Commercial, etc) District, modified, and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified
To the west	Lodging house, mixed commercial/residential and multiple-family residential	"H" (Community Shopping and Commercial, etc) District, modified
To the south	Single-family residential	"C" (Urban Protected Residential, etc.) District, modified

### **OFFICIAL PLAN:**

The subject lands are designated "Commercial" on Schedule "A" – Land Use Concept of the Official Plan. Policy A.2.2.1 of the Official Plan permits residential uses within Commercial areas, provided the Residential policies in Subsection A.2.1 and C.7 are met. As such an amendment to the Official Plan would not be required. The following policy should be noted:

- "2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

### **NEIGHBOURHOOD PLAN:**

There is no Approved Plan for the Westdale South Neighbourhood.



## COMMENTS RECEIVED:

- The Community Planning and Development Division, Building Department advised of the following:
  - "1. Upon the lands being held under one title for the proposed development, this will create a through lot and because the depth is greater than 53.0m (173.88') there are requirements for additional open space upon the lot. Please see Section 18.(3)(ii) for the additional open space requirements which do not appear to be provided.
  2. The maximum permitted height of the building is eight storeys or 26.0m (85.30'). The proposed nine storeys exceed the maximum permitted eight. Based on an average curb elevation of 96.30, the calculated height of the building is 25.74m (84.45'). Please provide the elevation of the highest point of the building to confirm the calculated height. See definition of "Height" as per 2.(2)J.(ix).
  3. The total width of the building including the parking structure to the east (which is located above grade, and is considered in the width of the building) is required to determine the two (2) required front yards. The width of Carling Street is required as it appears that it may be less than 20.0m in width and may increase the Carling Street front yard requirements. See Section 11.(3)(i)(b). It appears that the Carling Street front yard does not conform.
  4. The total length of the building is required to determine the required side yards. Please note that the required side yard setback shall be from the parking garage as it is located above grade. It appears that this required side yard does not conform.
  5. A minimum of 25% landscaped area shall be provided. No plan or details to confirm.
  6. The maximum gross floor area permitted based on the lot area of 28,804 ft.<sup>2</sup> is 4,549.02m<sup>2</sup> (48,966.8 ft.<sup>2</sup>). The proposal exceeds the maximum permitted.
  7. The minimum required fifty (50) parking spaces have been provided of which ten (10) shall be designated for visitor parking. No dimensions shown on the underground parking area to confirm compliance.
  8. The required loading space shall be a minimum 59.06' (18.0m) x 12.14' (3.7m). The width is insufficient and the loading space does not provide adequate manoeuvring on site in conformance with Section 18A.(32) and (33).
  9. Although the required front yards have not been established, it appears that the parking areas to the north and south are located in the required front yards and is not permitted.
  10. The surface of the parking areas shall be graded, drained and paved. Note, wheel barriers are also required in accordance with Section 18A.(24).



11. The balconies can project in accordance with Section 18.(3)(vi)(cc). No dimensions shown to determine compliance.
12. The front roofed-over unenclosed porch can project into the required front yard not more than 3.0m and shall be at least 1.5m from the front lot line. No dimensions shown.
13. Demolition permits are required in the normal manner.
14. The designer shall ensure that the fire access route, if required, conforms to the Ontario Building Code."

The Building Department has provided verbal confirmation that the minimum required north and south front yard setbacks are 7.5 m and the minimum required east and west side yard setbacks are 8.42 m, based on a building height of 28.44 m. In addition, a variance is required to allow the balconies to encroach a maximum of 1.2 m into the front yards, instead of the maximum permitted 1.0 m.

- The Community Planning and Development Division, Development Engineering Section advised of the following:

"With respect to your letter dated March 17, 2000, we wish to advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands.

We have reviewed the above application received in our Office on March 21, 2000 and submit the following comments:

According to our records, the existing road allowance width of King Street is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

According to our records, the existing road allowance width of Carling Street is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

As the applicant/owner may be aware, the south curb line of King Street is approximately 3.0m from the south road allowance limits of King Street. In order to ensure that adequate motorist visibility is available entering the King Street road allowance looking east we recommend that the access to King Street be located away from the east property line. Should the owner of lands to the east construct a fence to the property line, the motorist visibility entering King Street from the proposed access would also be limited.

We recommend that 5.0m by 5.0m visibility triangles be provided between the access to King Street and the King Street road allowance limits. The maximum height of any objects or mature vegetation (exclude any existing mature higher canopy trees) within these triangles is not to exceed a height of 0.60m above the centreline elevation of King Street.



We recommend that some separation be maintained between the access to the underground parking area to Carling Street and the east property line. This separation is required to establish 3m by 3m visibility triangles between the access and the Carling Street road allowance limits.

Further details on access locations, grades, landscaping and any proposed works within road allowances will be submitted at such time as formal site plans are received for our review and comments.

We recommend that the grade of the access for the first 7.5m on private property not exceed 5% and that the grade of the access on Carling Street at the road allowance limits be approximately 0.15m higher than the perpendicular centreline elevation of Carling Street. It appears from the plans submitted that the platform of the access leading to the underground garage on private property will only be approximately 4.2m and the plans should be revised accordingly.

Any works within the adjacent road allowances must conform to the respective Streets By-laws."

- The Community Planning and Development Division, Land Development Department advised of the following:

#### **"REGIONAL OFFICIAL PLAN**

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

The subject lands contain an existing building, which was previously used for a commercial use (i.e. painting and decorating contractor) where potential exists of site contamination.

Since a residential use is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the HWOP.

#### **PROVINCIAL POLICY STATEMENT**

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the proposal for a residential use is located on lands that was previously used for commercial purposes, which has potential for site contamination, and is adjacent to an arterial road (i.e. King Street West), the application requires further demonstration of how it has regard for the following PPS policies:

#### **1. Efficient, Cost-effective Development and Land Use Patterns**

##### **1.1 Developing Strong Communities**

##### **1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:**



- f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided.

#### 1.1.3 Long term economic prosperity will be supported by:

- g) Planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odor, noise and other contaminants.

### 3. Public Health and Safety

#### 3.2 Human-made Hazards

- 3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, the proposal should be subject to the following:

1. Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.
  - 2) Completion by a qualified consultant of a traffic noise assessment study investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), with said study and noise control measures being to the satisfaction of the Region."
- The Department of Public Works and Traffic, Traffic Division advised of the following:  
  
 "...please be advised that we have reviewed this application and have no concerns about the proposed zoning change from "H" District to "E" District.  
  
 The applicant has submitted a preliminary site plan indicating a 3.7m x 18.0m loading space north of the proposed building. There is presently insufficient room to accommodate truck manoeuvring in and out of this space. I would suggest a 3.7m x 9.0m loading space is more appropriate for this application and would support a variance to reduce the size of the required loading space.  
  
 The applicant should be advised that all accesses should be a minimum of 7.5 metres wide at the property line..."
  - The Hamilton Region Conservation Authority has no comment or concern.



**COMMENTS:**

1. The proposal complies with the Official Plan. There is no Approved Plan for the Westdale South Neighbourhood.
2. The proposal has merit and can be supported on the following basis:
  - The subject lands are appropriately located at the periphery of the neighbourhood, along an arterial road. The lands are also located in close proximity to services and facilities, such as public transit routes, commercial areas, schools and parks (e.g. Coronation Arena, Churchill park).
  - The proposed rezoning represents an extension of the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District zoning to the east of the subject lands.
  - Appropriate landscaping, buffering, open space and setbacks will be required to minimize the impacts of the proposal on adjacent lower density uses and to integrate the development with the surrounding area. The proposal would be compatible with mixed land uses in the area, including commercial uses, mixed commercial/residential uses, multiple residential uses and low density residential uses.
  - The proposed redevelopment would represent an improvement to the neighbourhood as compared to the vacant painting and decorating contractor's business currently located on the lands.
3. The Regional Official Plan and Provincial Policy Statement on land use planning contain policies respecting the development of potentially contaminated lands and noise impacts on sensitive land uses. In this regard, a signed RSC and a traffic noise assessment study are required to be submitted to the Region. Consequently, it is appropriate to apply the 'H' holding provision of the Planning Act to the subject lands. Removal of the 'H' holding provision should be conditional upon completion of a RSC and noise assessment.
4. The proposal requires a number of variances to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations. The variances can be supported, as outlined below.

**Building Height**

A variance is required to allow the proposed building to have a maximum height of 9 storeys or 28.5 m, whereas the Zoning By-law permits a maximum height of 8 storeys or 26 m. It is noted that the height of the building, to the top of the ninth storey penthouse is 26 m, which is equal to the maximum permitted height. The overall height of the building includes an additional 2.44 m for the staircase shafts. Furthermore, the ninth storey would be setback greater than the main portion of the building (e.g. approximately 9.14 m vs. 6.0 m) reducing the impact of the additional storey. It should also be noted that a six storey apartment building is located directly to the east. Accordingly, the variance can be supported.



### Front Yard

The subject lands are considered a through lot, and therefore, both the Carling Street and Kings Street West lot lines are considered front lot lines. The Zoning By-law requires a minimum front yard setback of 7.5 m. The proposal meets this setback from the King Street front lot line, however, a variance is required to allow a front yard of 6.0 m from the Carling Street front lot line. The front yard setback is not out of character with adjacent development along King Street and Carling Street. Adjacent buildings, including the apartment building to the east, provide front setbacks ranging between approximately 0 and 4 m. Accordingly, the variance can be supported.

### Side Yards

The Zoning By-law requires minimum side yard setbacks of 8.42 m. A variance is required to allow a westerly side yard setback of 3.9 m. The majority of the westerly side yard exceeds the required 8.42 m requirement. For example, a west side yard of approximately 14 m is provided along most of the west lot line (see APPENDIX "B"). However, the north-west corner of the building would be located approximately 3.9 m from the westerly side lot line. It is noted that the side yard reduction is due, in part, to the irregular shape of the side lot lines.

A variance is also included to allow a minimum easterly side yard setback of 2.1 m. Although the proposed Site Plan indicates a 0 m setback for the portion of the building containing the underground parking driveway, the Roads Section of the Transportation, Operations and Environment Division recommends that some separation between the access and the easterly property line should be provided to establish 3m by 3m daylight visibility triangles. Accordingly, a 0 m side yard cannot be supported and the plans should be revised accordingly. As with the westerly side yard, the 2.1 m easterly side yard is due, in part, to the irregular shape of the side lot line. With the exception of a small portion of the building at the north-east corner and the underground access driveway, the main building would provide an easterly side yard ranging from approximately 5.5 m to 12 m (see APPENDIX "B"). Accordingly, the side yard variances can be supported.

### Floor Area Ratio

A variance is required to allow the proposed multiple dwelling to have a maximum gross floor area ratio of 2.03, permitting a floor area 5,443.94 m<sup>2</sup>, whereas the Zoning By-law permits a maximum gross floor area ratio of 1.7 representing a maximum gross floor area of 4,549.02 m<sup>2</sup>. In addition, since the proposal is for 40 apartment units, the By-law should include a restriction to a maximum of 40 class A dwelling units.

It should be noted that the proposal would provide the minimum landscaped area, required parking, and amenities such as balconies, roof decks, a lounge and meeting room. Also, the proposal is for condominium apartments, which tend to be larger apartment units. For example, all units would be 2 bedroom units with a typical floor area of approximately 120.8 m<sup>2</sup> (1,300 sq. ft.). The penthouse units would be approximately 158 m<sup>2</sup> (1,700 sq. ft.). Furthermore, the proposed



net density of the development would be approximately 150 units/ha (61 units/acre) which falls within the range for "Medium Density Apartments". This density is also comparable to other multiple dwellings in the area. For example, the apartment building located at No. 75 Carling Street also has an approximate density of 150 units/ha (61 units/acre). The apartment building located at No. 70 Carling Street has an approximate density of 257 units/ha (104 units/acre). Accordingly, the increase in permitted gross floor area can be supported.

#### Open Space for Through Lots

Section 18.(3)(ii) of the Zoning By-law applies to through lots with a depth greater than 53 m and requires additional open space. It appears the intent is to prohibit the greater lot coverage that would result from the provision of two required front yards, instead of one required front yard and one required rear yard, particularly in the development of one and two-family dwellings. However, this proposal would not maximize development in this manner. Therefore, a variance can be supported to eliminate the requirement.

#### Balcony Projections

The proposed apartment balconies would encroach 1.2 m into the required front yards, whereas the Zoning By-law allows a maximum projection of 1.0 m. The increased projection is minor and would not create an adverse impact.

#### Loading

The Department of Public Works and Traffic commented that manoeuvring is insufficient for the required 18 m x 3.7m x 4.3m loading space, as shown on the preliminary site plan (APPENDIX "B"). However, they also indicated that a 9 m x 3.7 m x 4.3 m loading space would be more appropriate for this development. As such, a variance to allow one 9 m x 3.7 m x 4.3 m loading space, instead of one 18 m x 3.7m x 4.3m loading space can be supported.

#### Parking Within the Required Front Yards

The proposal includes parking areas in both the King Street West and the Carling Street 7.5 m required front yards, whereas the Zoning By-law does not permit parking within a required front yard in a residential district (see APPENDIX "B"). The parking area in the King Street West front yard is proposed 3.0 m from the front lot line. This setback is not out of character with mixed commercial and residential development along King Street, which generally includes reduced front yard setbacks. Also, the proposed 3.0 m setback is sufficient to provide a landscaped area to enhance the street frontage. Accordingly, parking within the required King Street front yard can be supported, subject to a minimum setback of 3.0 m.

The parking area within the required Carling Street front yard is also proposed 3.0 m from the front lot line. However, it is felt that a minimum setback of 6.0 m from the Carling Street front lot line should be maintained as Carling Street is a residential street with single-family dwellings located to the south. The 6.0



setback for the parking area would also be consistent with the proposed building setback and would provide sufficient space for front yard landscaping. Accordingly, parking within the required Carling Street front yard can be supported, subject to a minimum setback of 6.0 m.

In addition, the following special requirements should also be incorporated into the proposed By-law.

#### Planting Strips

The preliminary site plan and landscape plan propose a planting strip approximately 1.0 m wide along a portion of the westerly lot line. However, it is recommended that 1.5 m wide planting strips should be provided wherever possible along the side lot lines, to enhance the site and provide a buffer between adjacent land uses, especially the single-family dwelling to the east (at No. 797 King Street West). As such, special provisions should be included to require minimum 1.5 m planting strips along the entire westerly and easterly side lot lines.

#### Visual Barriers

The preliminary landscape plan indicates 1.8 m high visual barriers are proposed along the westerly side lot line and along the easterly side lot line, with the exception of the easterly side lot line adjacent to the proposed access driveway to the underground parking area. This exception can be supported since the proposed access driveway abuts the access driveway for the adjacent multiple dwelling to the east (at No. 70 Carling Street). In accordance with verbal comments from the Roads Section, the visual barriers should be setback a minimum of 3 m and a maximum of 5 m from the King Street West and Carling Street road allowances, for visibility purposes.

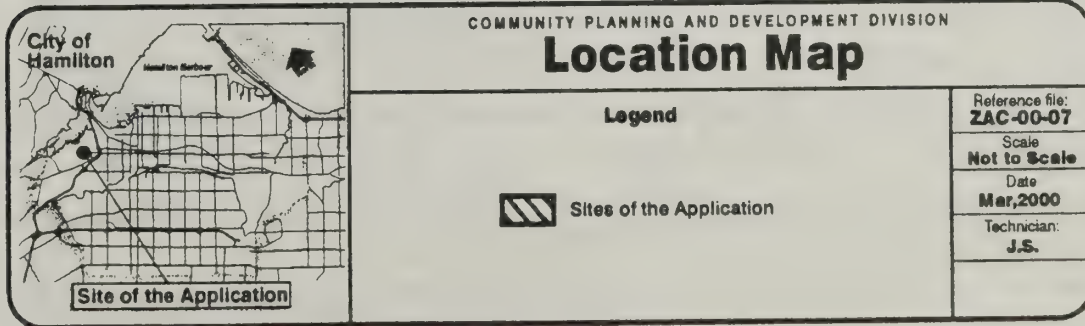
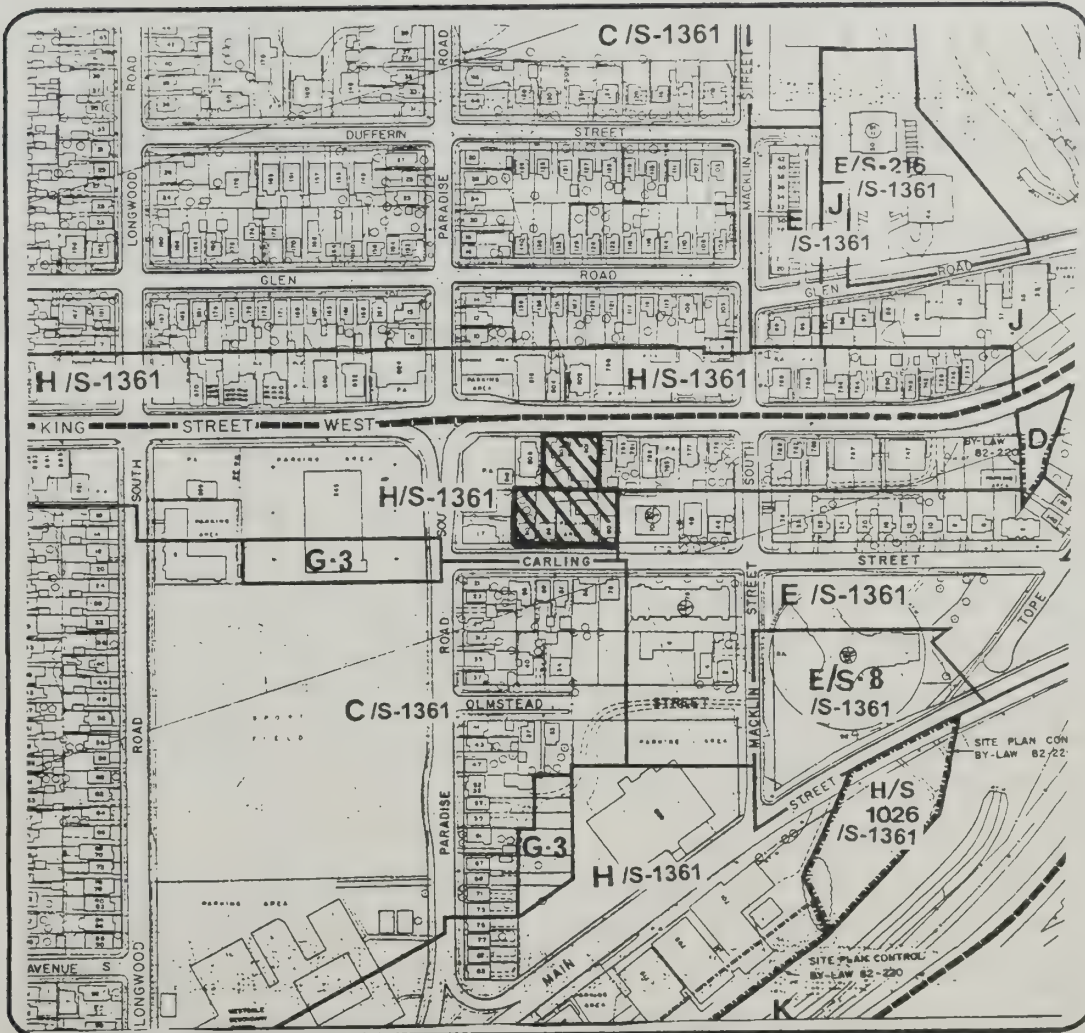
5. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District is subject to Site Plan Control. Accordingly, matters such as grading, parking, manoeuvring, landscaping, buffering, etc. will be further reviewed at the Site Plan stage of development.

In addition, as the subject lands are a "through lot", having frontage on both King Street West and Carling Street, attention should be given to the creation of a "street presence" along both frontages. The preliminary plans indicate that the functional front of the apartment building will be facing Carling Street and includes some enhanced landscaping and design along Carling Street. The King Street portion of the lands would include a surface parking area and access driveway. The applicant should be advised that attention should be given to enhancing the "rear" of the development to create a street presence along King Street West.

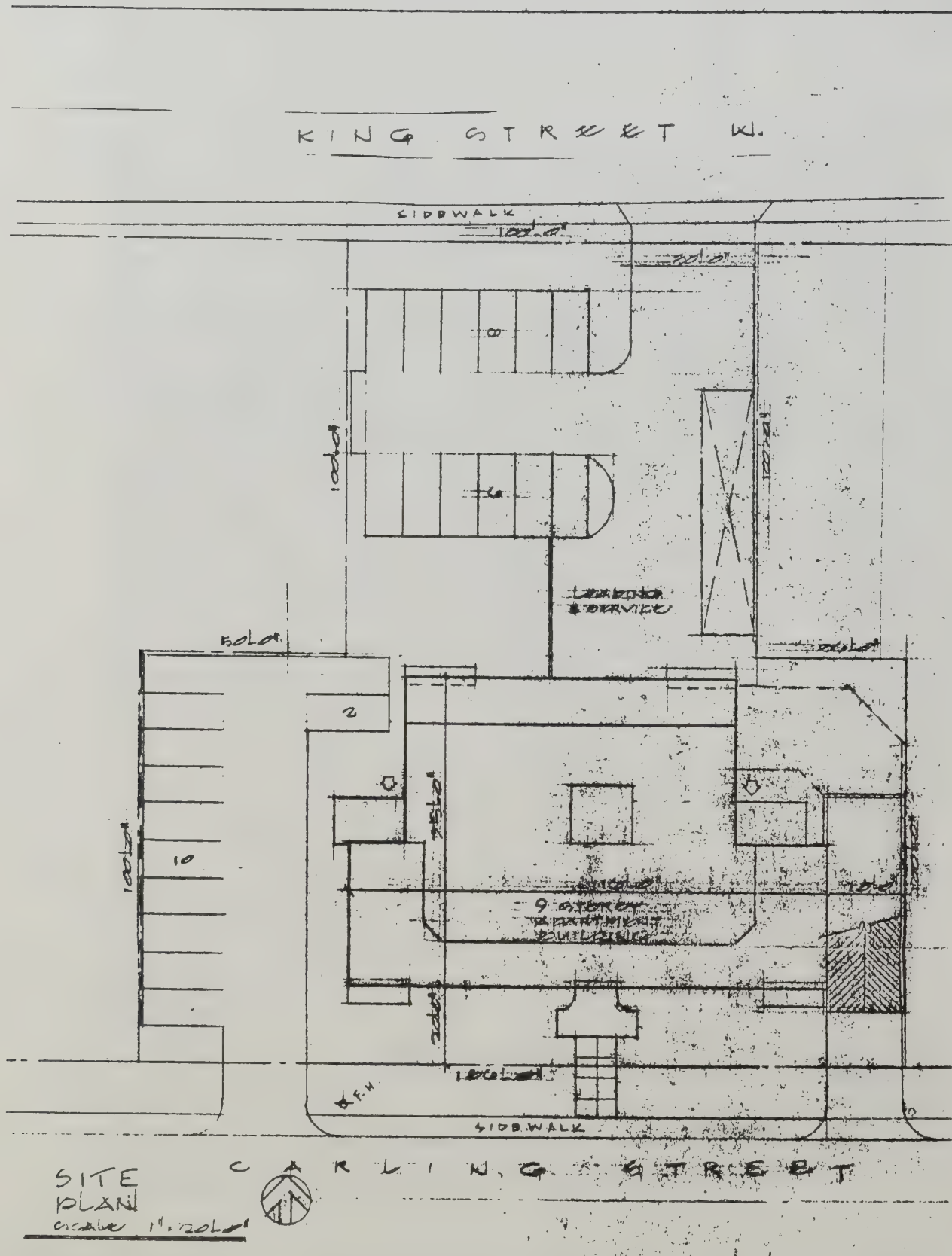
#### **CONCLUSION:**

On the basis of the foregoing, the application can be supported.











May 10th, 2000  
10 Paradise Road North,  
Hamilton, Ontario.  
L8S 3S2.

221  
OFFICE OF THE MUNICIPAL CLERK

MAY 16 2000

Dear Secretary:

I am writing to you in response to a proposal having to do with the building of a forty unit condominium in Westdale, bordered by King Street, Macklin Avenue, Carling Avenue and Paradise Road South.

Having been a resident of Westdale for approximately twenty-five years, my concern about the construction of this possible housing project takes a number of forms. Firstly, I am very concerned about the aesthetic impact that a nine- storey condominium will have on the west end of "the Village". By "aesthetics", I am referring to the condominium's possible generation of noise as well as it's physical appearance. ( I have viewed a computer-generated drawing of the proposal and it is not a pretty sight!) Although I am also aware that three very large apartment complexes already exist in the Glen Road -Macklin Avenue area, they have been built on a sufficiently large incline such that their "imposing" nature has been reduced. Secondly, I am concerned about the amount of traffic this would entail not only in terms of the increased population in the neighbourhood but also the need for the greater enforcement of parking restrictions this might involve due to increased visitors in the area. Further to this point, please bear in mind that the juncture of Paradise Road South and King Street West ( "the island") is already accident- prone and crosswalks are here that are close to large schools, namely, Westdale High School and George R. Allan. This would seem to raise some very serious safety issues. Lastly, the residents of the Westdale community have already, by and large, been subject to very substantial tax increases over the last few years and not the least of the concerns over the proposal to build a condominium has to do with the possibility of reduced property values in the area. All in all, maybe a sound financial investment for the developers but not a viable undertaking for the sake of the "greater" Westdale community.

I look forward to hearing from you at your earliest possible convenience.

Cordially,  
Mr. R. Mason

*Mr. R. Mason*







# CITY OF HAMILTON

2.3

## - RECOMMENDATION -

**DATE:** 2000 May 5  
ZAC-00-09  
Southam Neighbourhood

**REPORT TO:** Chairman and Members of the  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a change in zoning – 12-14 Brantdale Avenue  
(PDC00086)

### RECOMMENDATION:

That approval be given to **Zoning Application ZAC-00-09, Locane Holding Inc. owner**, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District, modified to permit the development of a semi-detached dwelling, for property located at 12-14 Brantdale Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

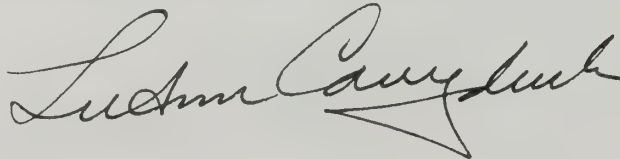
- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District;
- (b) That the "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, be amended only to the extent of the following special requirement;
  - (i) notwithstanding Section 10(4)(ii), a minimum lot width of 15.2 m shall be provided and maintained;
- (c) That the amending By-law be added to Section 19 of Zoning By-law No. 6593, as Section S- , and that the subject lands on Zoning District Map W-7 be notated S- ;
- (d) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-7 for presentation to Council; and,
- (e) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District, for lands located at 12-14 Brantdale Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a semi-detached dwelling with a minimum lot width of 15.2 m, whereas the by-law requires a minimum lot width of 18 m.


**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider applications to amend the Zoning By-law.

**BACKGROUND:**Proposal

The applicant is proposed to demolish the existing semi-detached dwelling and construct a new semi-detached dwelling. The existing dwelling is in unsafe condition.

By-law No. 98-061 and By-law 98-147

City Council, on February 10, 1998, passed By-law No. 98-061 which rezoned lands at 21 Brantdale Avenue from "C" (Urban Protected Residential, etc.) District to "R-4" – 'H' (Small Lot Single Family Detached - Holding) District, modified and "C" – 'H' (Urban Protected Residential, etc. - Holding) District, modified. City Council, on May 26, 1998, passed By-law No. 98-147 removing the 'H' Holding symbol to permit development of:

- 5 small lot single family dwellings with a minimum average lot width of 9.14 m fronting onto Brantdale Avenue;
- 4 single family dwellings with a minimum lot width of 11.4 and a minimum lot area of 340 m<sup>2</sup> fronting onto West 2<sup>nd</sup> Street; and,
- 1 single family dwelling fronting onto Brucedale Avenue in accordance with the "C" District regulations.

This rezoning was supported, in part, on the basis that it was compatible with the existing development in the area and that the proposed lot sizes and areas are consistent with existing development.



By-law No. 97-044

City Council, on March 11, 1997, passed By-law No. 97-044 which rezoned lands at 8-10 Brantdale Avenue (immediately east of the subject lands) from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, modified to permit 1 semi-detached or 2 small lot single family dwellings. Modifications included, amongst others, reduced side yards and lot size and area. A semi-detached dwelling was constructed on the property.

This application was supported on the basis that the proposed lot sizes were consistent with the established lot sizes in the area.

**APPLICANT;**

Locane Holdings Inc., owner.

**LOT SIZE AND AREA:**

The subject lands have:

- a frontage of 15.24 m (50 feet);
- a lot depth of 45.72 m (150 feet); and,
- a lot area of 696.77 m<sup>2</sup> (7500 square feet).

**LAND USE AND ZONING:**

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Two family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north and west	Single family dwellings	"C" (Urban Protected Residential, Etc.) District
To the east	Semi-detached dwelling	"D" (Urban Protected Residential-One and Two Family Dwellings, etc.) District, modified
To the south	Single family dwelling And vacant land	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family Dwelling) District

**OFFICIAL PLAN:**

The subject lands are designated "Residential" on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others apply:



- "A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwelling are included within this designation, while preference will be given to locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The proposal complies with the intent of the Official Plan.

#### NEIGHBOURHOOD PLAN:

The subject lands are in the Southam Neighbourhood. There is no approved Neighbourhood Plan for this Neighbourhood.

#### COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Department of Public Works and Traffic have no objection or comments.
- The Community Planning and Development Division (Development Engineering Section) advises:

"...we advise that there are public watermains and combined storm and sanitary sewers available to service the subject lands.

The existing road allowance width of Brantdale Avenue is 15.24m. Therefore we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown we advise that any works within the Brantdale Avenue road allowance must conform to the City of Hamilton Street By-law.

Prior to any works within the Brantdale Avenue road allowance, the applicant must contact all the respective Utilities to ensure that the support and horizontal, vertical and aerial clearances for their facilities is maintained to their satisfaction."

- The Community Planning and Development Division (Building Department) advises:
  - "1. No survey has been submitted to verify actual lot dimensions.
  2. The "D" District requires a minimum lot width of 18.0m (59.06') and a minimum lot area of 540 m<sup>2</sup> (5812.7 ft.<sup>2</sup>). The lot width does not appear to conform.
  3. A minimum 50% front yard landscaping shall be provided and maintained.



4. The two (2) single family dwellings require demolition permits in the normal manner.
5. Subject to a building permit in the normal manner.
6. There are existing Property Standards from 1999 outstanding on these properties."

**COMMENTS:**

1. The proposal complies with the Official Plan.
2. The proposal has merit and can be supported on the following basis:
  - There is no increase in density in that the existing building is presently being used as a semi-detached dwelling. On this basis, the proposal is compatible with existing development in the area; and,
  - The reduced lot width is consistent and in keeping with those established in the area.
3. The Building Department advises that the minimum lot width permitted in the "D" District is 18.0 m (59.06 feet). The survey submitted by the applicant shows a lot width of 15.24 m. On this basis, a variance is required to reduce the minimum lot width from 18.0 m to a minimum of 15.2 m. As noted previously, this variance can be supported on the basis that reduced lot width is consistent with those established in the area. Furthermore, the lot area (696.77 m<sup>2</sup>) exceeds the required lot area of 540 m<sup>2</sup>.
4. The Building Department advised that there are a number of Property Standards matters outstanding on this property. The applicant is proposing to demolish the existing building. In this regard, the proposal will improve the appearance of the subject lands.

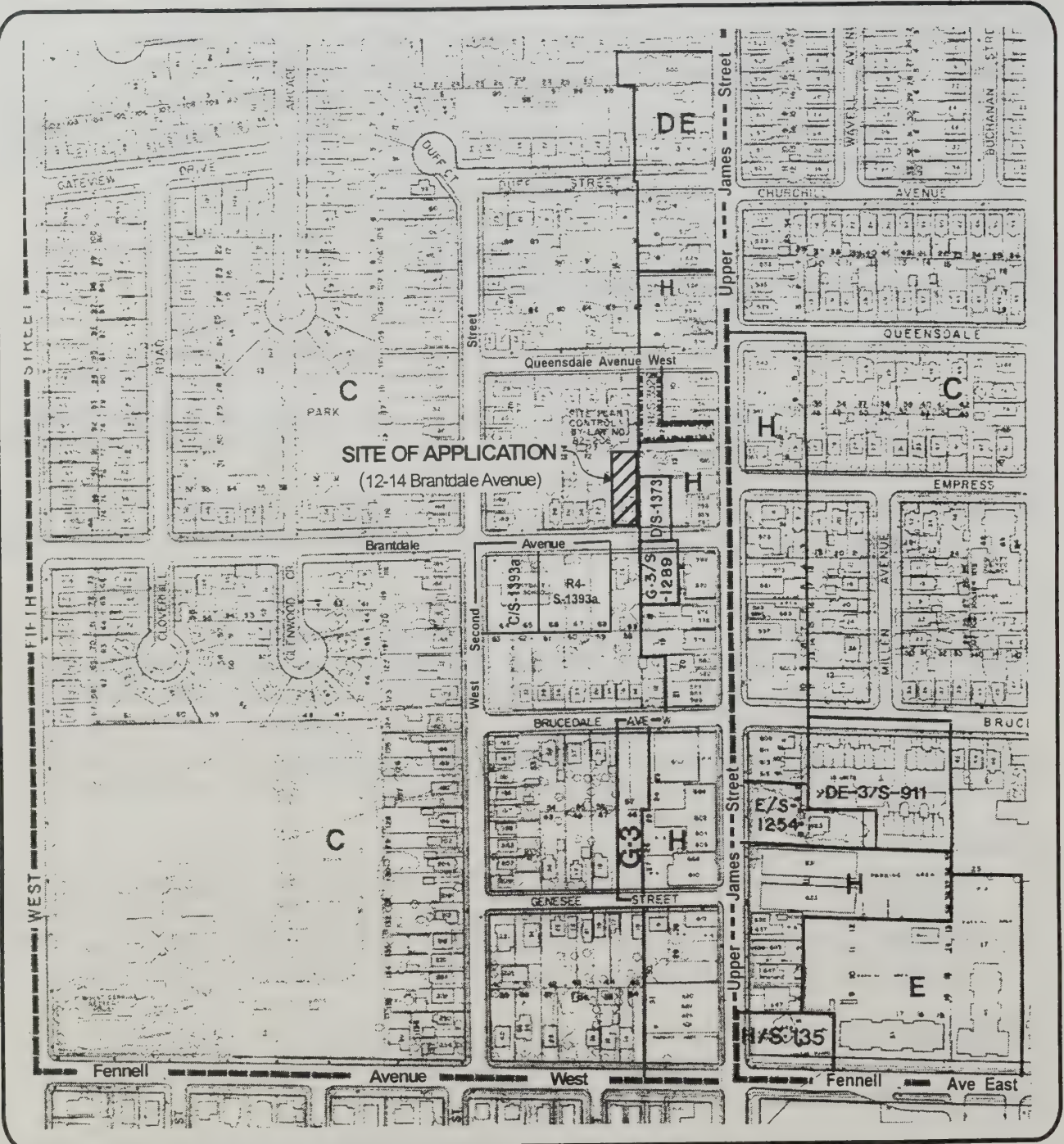
**CONCLUSION:**

Based on the foregoing, the application can be supported.

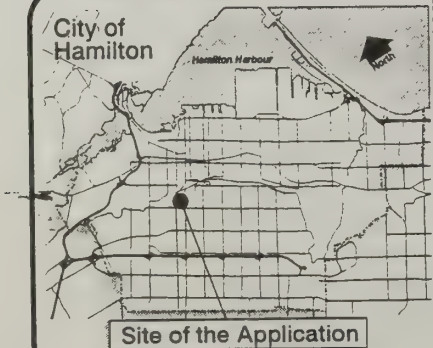
CLF/

ZAC-00-09





City of  
Hamilton



Site of the Application

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Change in Zoning from:



"C" (Urban Protected Residential, etc.) District to

"D" (Urban Protected Residential - One & Two Family Dwellings, etc.) District, Modified

Reference file:  
**ZAC-00-09**

Scale

**Not to Scale**

Date

**Mar. 29 2000**

Technician:

**PB**

**Appendix 'A'**



**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** May 9, 2000  
ZAC-00-13  
Ryckman's Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District for lands located east of Upper James Street, south of Regina Drive and known municipally as 1489 – 1523 Upper James Street (PDC00093).

**RECOMMENDATION:**

That approval be given to **amended Zoning Application ZAC-00-13, Sterling Honda (c/o J. LaCluse), owner**, for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District for lands located east of Upper James Street, south of Regina Drive and known municipally as 1489 – 1523 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593, as amended by By-law Nos. 88-135 and 90-145, applicable to the subject lands, be further modified to include the following variances as special provisions:
- (i) That notwithstanding subsection 13(1) of Zoning By-law No. 6593, the following uses shall also be permitted:
- (1) Automobile sales and leasing establishments;
  - (2) An automobile body/fender repair shop and paint shop provided that it is accessory to and located within the same building as an Automobile sales and leasing establishment;
  - (3) A private manual carwash provided that it is accessory to and located within the same building as an automobile sales and leasing establishment;
  - (4) A business identification sign that is a ground sign, subject to the following requirements:



- (a) Not more than one sign shall be permitted for each Automobile sales and leasing establishment;
  - (b) A height of at least 3.0 m shall be provided from the ground to the bottom of the sign;
  - (c) The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary;
  - (d) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;
- (5) A business identification sign permanently affixed to the decorative wall structure subject to the following requirements:
  - (a) The sign shall not be more than 50% of the height of the structure.
  - (b) The total aggregate area of the sign shall not exceed 25% of the aggregate area of the structure parallel to the daylight triangle.
  - (c) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- (ii) That notwithstanding subsection 13(3) of Zoning By-law No. 6593, a decorative wall structure shall be provided and maintained at the north-west corner of the property on the following basis:
  - (1) Said structure shall be parallel to the full length of the daylight triangle and extend a minimum of 15.0 m from each end thereof along the northerly and westerly lot lines;
  - (2) Said structure shall be located within the landscaped planting strip;
  - (3) The height of said structure parallel to the daylight triangle shall be not less than 1.2 m and not more than 2.0 m;
  - (4) The height of said structure appurtenant to the northerly and westerly lot lines shall be not less than 1.0 m, except for the last 5.0 m which shall be not less than 0.6 m; and,
- (iii) That notwithstanding section 13.(3)(i) of Zoning By-law No. 6593, a



minimum front yard setback of 24.0 m shall be provided and maintained;

- (iv) That the total aggregate area for signage referred to in Subsections (i)(4) and (i)(5) shall not be more than 0.1 m<sup>2</sup> per 0.3 m of street frontage on Upper James Street;
- (v) That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except:
  - (a) For any area used for vehicular access; and,
  - (b) That a minimum 6.0 m wide landscaped strip shall be provided and maintained adjacent to the daylight corner.
- (b) That the Corporate Counsel be directed and authorized to prepare a By-law for the subject lands to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1069b, and that the subject lands on Zoning District Maps E-9D be notated as S – 1069b;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That the approved site plan for the subject lands be required to incorporate the applicable provisions of the "Urban Design Guidelines for Upper James Street Corridor"; and,
- (f) That the implementing By-law not be presented to Council until the applicant has withdrawn the appeal of the Committee of Adjustment decision on Committee of Adjustment Application A-00:36 and the Ontario Municipal Board has advised that the appeal has been withdrawn.


**EXPLANATORY NOTE:**

The purpose of the proposed by-law is for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District zoning for lands located east of Upper James Street, south of Regina Drive and known municipally as 1489 – 1523 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for car dealerships (i.e. automobile sales and leasing establishments), and autobody repair and paint shop and a private car wash as accessory uses. In addition, the by-law provides for the following special provisions:



- Permits each Automobile sales and leasing establishment to have a business identification sign, whereas the "G" District does not permit a pylon sign;
- Restricts the size of the ground sign and signage on the decorative wall structure to an area of vertical projection of not more than 0.1 m<sup>2</sup> per 0.3 m of street frontage on Upper James Street;
- Requires that the ground sign have a height of at least 3.0 m from the ground to the bottom of the sign and requires that the sign be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary;
- Requires that the illumination of the sign be such that the source of light is steady and suitably shielded to contain the illumination;
- Requires that a decorative wall structure be provided and maintained at the north-west corner of the property. The height of the wall along Upper James Street and Regina Drive will be a minimum of 0.6 m and a maximum of 1.0 m. The height of the wall along the daylight triangle will be between 1.2 m and 2.0 m;
- Permits a business identification sign to be incorporated into the decorative wall structure;
- Requires a minimum front yard setback of 24.0 m in accordance with the "Urban Design Guidelines for the Upper James Street Corridor";
- Requires that a minimum 3.0 m wide landscaped strip to be provided and maintained along the northerly and westerly lot lines, except for any area used for vehicular access; and,
- Requires that a minimum 6.0 m wide landscaped strip to be provided and maintained adjacent to the daylight corner.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.



## **BACKGROUND:**

### Proposal - As Submitted By the Applicant

The application, as submitted, is for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District to permit the use of the subject lands for automobile dealerships (see APPENDIX "B"). In addition, the applicant has requested the following variances to the By-law:

- To permit three (3) business ground identification signs each measuring 3 m x 4 m (with a total height from the ground of 6 m) to be located at least 4.5 m from the Upper James Street road allowance notwithstanding that ground signs are not permitted;
- To permit a public garage (i.e. new and used car dealership with ancillary autobody mechanical repair uses) and a private manual carwash whereas an automobile dealership is not permitted; and,
- To permit a landscape strip of 4.5 m along the easterly lot line whereas the provisions of the by-law require a minimum of 9.1 m.

### Zoning Application 87-84 (Zoning By-law No. 88-135<sup>1</sup>)

In March, 1988, City Council approved Zoning Application 87-84 for an Official Plan Amendment and change in zoning for the subject and abutting lands. Zoning By-law No. 88-135 was subsequently passed by Council.

The purpose of By-law No. 88-135 was to provide for changes in zoning for lands at Nos. 1489 to 1523 Upper James Street (see APPENDIX "D"). The effect of the by-law was to permit the development of the rear lands for single detached dwellings (shown as Block "1" on APPENDIX "D") and a shopping plaza and 100 room motel on the front portion of the subject lands (shown as Blocks "2", "3", "4", "5" and "6" on APPENDIX "D"). In addition, the by-law established that a 9.1 m landscaped planting strip be provided along the rear of the commercial zoned lands in accordance with the Approved Ryckman's Neighbourhood Plan.

### Zoning Application 91-56

In January, 1992, City Council approved Zoning Application 91-56 for a further modification to the established "G" District for lands located east of Upper James Street and south of Regina Drive (see APPENDIX "C"). As noted above, the application was to permit the development of the subject lands for two car dealerships and to incorporate

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<sup>1</sup>NOTE: By-law No.88-135 was subsequently amended by By-law No. 90-145 to correct a typographical error on Schedule "A" of By-law No. 88-135.



performance standards to implement the "Urban Design Guidelines Upper James Street Corridor" (see APPENDICES "E" and "F"). The design guidelines specify that unique design features to serve as landmarks (e.g. gateways, archways or decorative walls at the entrance to the neighbourhood) be incorporated into the commercial development along Upper James Street and the mid-block collectors (i.e. Regina Drive). In this regard, the approved development concept provided for a landscaped strip with a column and trellis structure at the north-west corner of the subject lands (see APPENDIX "F"). The purpose of this design feature was to simulate the intended shape of the mid-block plaza shown in the urban design guidelines.

As part of Council's approval, the amending by-law was held in abeyance until such time as the applicant applied for and received approval for a site plan incorporating the "Urban Design Guidelines for Upper James Street Corridor", and registration of said site plan on title. In 1994, the applicant revised their development plans and located the proposed car dealership to the south of the subject lands and in 1994 Council rescinded the approval for Zoning Application 91-56 (see below).

#### Site Plan Control Application DA-94-19 and Committee of Adjustment Application A-94:72

In October, 1994, Site Plan Control Application 94-19 was approved. The application was for a Nissan car dealership for lands located at 1523 Upper James Street. Specifically, the application was for a one storey building fronting onto Upper James Street with display vehicles in the front yard and southerly side yard and vehicular storage area in the rear yard.

To allow for the development of the Nissan car dealership, approval from the Committee of Adjustment was granted with respect to the use of the subject lands for a car dealership and associated automotive repair use and to permit a business identification ground sign. The Committee of Adjustment approved the application (File No. A-94:72) subject to the proposed development complying with the approved "Urban Design Guidelines Upper James Street Corridor" and City Council rescinding the approval of Zoning Application 91-56. The approved "Urban Design Guidelines Upper James Street Corridor" require a minimum front yard setback for all buildings and structures of 24.0 m. The pylon sign for the Nissan Dealership is setback 24 m and the building is setback approximately 40 m from the upper James Street Road allowance.

It is noted that the approved site plan incorporates a 3.0 m wide landscaped planting strip along Upper James Street and Delta Drive and a 9.1 m wide landscaped planting strip along the rear lot line.

#### Committee of Adjustment Application A-00-36

The applicant previously made an application to the Committee of Adjustment to permit the use of the subject lands for two automobile dealerships, to permit ground signs and to reduce the landscaping requirements applicable to the subject lands. The Committee of



Adjustment, at its meeting of March 22, 2000, denied the application because the relief requested is beyond that of a minor nature; the relief requested was considered to be undesirable for the appropriate development of the land and building; and, the Committee was of the opinion that the matter should be appropriately dealt with by means of an application for a rezoning.

The applicant subsequently appealed the decision of the Committee of Adjustment to the Ontario Municipal Board. A hearing date has not been assigned.

***APPLICANT:***

Sterling Honda, owner (c/o John LaCluse).

***AGENT:***

Planning and Engineering Initiatives Ltd.

***LOT SIZE AND AREA:***

The subject lands are irregular in shape and have:

- 114.7 m of lot frontage along Upper James Street;
- a depth of 156.6 m; and
- a lot area of 1.6 ha.

***LAND USE AND ZONING:***

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant	"G" (Neighbourhood Shopping Centre, etc.) District, modified
<u>Surrounding Land Use</u>		
To the north	Vacant (Planned and approved commercial development)	"G" (Neighbourhood Shopping Centre, etc.) District, modified
To the south	Institutional and Commercial (Knights of Columbus Hall and Nissan Car Dealership)	"G" (Neighbourhood Shopping Centre, etc.) District, modified



To the west	Commercial (Rosart Square)	"G-1" (Designed Shopping Centre, etc.) District, modified
To the east	Vacant (Planned low density residential)	"C" (Urban Protected Residential, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated "Commercial" on Schedule "A" of the Official Plan and are within "Special Policy Area 31b" on Schedule "B" of the Official Plan. The following policies, among others, would apply:

- 2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
  - ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- 2.2.30 AUTOMOBILE SERVICE CENTRES will include land or buildings used for the purposes of selling motor vehicle fuels; carrying out automotive repairs and/or providing car washes. The preferred location for AUTOMOBILE SERVICE CENTRES will be adjacent to the intersection of major roads.
- 2.2.31 In considering proposals for new AUTOMOBILE SERVICE CENTRES, Council will require that the following provisions are complied with in all respects:
- i) Where AUTOMOBILE SERVICE CENTRES are located in a Shopping Centre, the structure(s) will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,
  - ii) AUTOMOBILE SERVICE CENTRES will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of their location and operation.



- 2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area. (O.P.A. No. 46)
- 2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
  - ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:
    - a) in AREA "31a" mixed Commercial/Residential uses will be permitted from south of Chipman Avenue/Blossom Lane to Stone Church Road (excluding the car dealership). Such uses will be developed at a height, scale and intensity compatible with the nature of the commercial development along Upper James Street and the existing and anticipated Residential uses in the interior of the Neighbourhoods. The provisions regarding amenity, parking and other similar criteria for mixed Commercial/Residential uses, as provided in Policy A.2.2.36 will apply in the development of these uses.
    - b) in AREA "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18; and,
    - c) in AREAS "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).
  - iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:



- a) the location of a mid-block Collector Road between Stone Church Road and Rymal Road;
  - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
  - c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
  - d) the location of access points between adjacent uses and to the road;
  - e) utilizing shared access and/or parking facilities with adjacent developments; and,
  - f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
  - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
  - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
  - c) ensuring in AREAS 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping.



- vi) In accordance with Policy D.2.2, Multi-Centre uses will be permitted in the vicinity of Upper James Street and Stone Church Road. Accordingly, Multi-Centre uses such as, Institutional, recreational and medium density Residential uses will also be permitted in addition to Commercial uses. (O.P.A. No. 28)"

The amended proposal would not conflict with the intent of the Official Plan.

### ***NEIGHBOURHOOD PLAN:***

#### Ryckman's Approved Neighbourhood Plan:

The subject lands are designated "Commercial" in the approved Ryckman's Neighbourhood Plan. The Neighbourhood Plan identifies a 9.1 metre (30 foot) wide landscaped planting strip along the easterly limits of the subject lands where they abut the future extension of DiCenzo Drive. It is noted that the "Urban Design Guidelines for the Upper James Street Corridor" form part of the approved Neighbourhood Plan (see below).

#### Urban Design Guidelines – Upper James Street:

The northern portion of the subject lands are designated "Neighbourhood Commercial" and the southern portion "Commercial and Retail Warehouse" in the "Urban Design Plan – Upper James Street Corridor".

The "Neighbourhood Commercial" area is to be developed in the form of several small plazas, one located at each corner of the mid-block collector. It is intended that unique design features will serve as landmarks, such as gateways, archways or decorative walls at the entrance of the neighbourhood.

For the "Retail/Warehouse Areas", a landscaped strip at least 3.05 m (10 feet) wide is to be located adjacent to the Upper James Street road allowance and establishments are to be located along a uniform mandatory building line, or front yard setback, approximately 24.39 m (80 feet) from the road allowance. In keeping with the approved Neighbourhood Plan, a 9.1 m (30 foot) landscaped planting strip is required to be provided and maintained along the rear lot line where the subject lands abut the future extension of DiCenzo Drive.

### ***COMMENTS RECEIVED:***

- The Development Engineering Section, Land Development Department have advised of the following:

"With respect to your letter dated April 26, 2000, we advise that there are public watermains and sanitary sewers available on Upper James Street to service the



proposed and future automotive buildings.

The storm sewers from the subject lands must be serviced to the existing storm sewer within the Regional easement (future DiCenzo Drive) adjacent to the east side of the subject lands. If the lands as shown on Schedule 'B' remain as one parcel, it can be serviced directly to the storm sewer within the easement noted above. However, if the lands are severed in the future, the owner will be required to enter into a Special Sewer Servicing Agreement with the Region in order to service the Proposed Automotive Building.

According to our records the Region previously acquired the required road allowance widenings on Upper James Street. We do not anticipate any further road allowance widenings at this time.

According to our records the City of Hamilton previously acquired the road widenings and daylight triangle at Regina Drive and Upper James Street. We do not anticipate any further road allowance widenings on Regina Drive at this time.

As a condition of development approval of this site, Regina Drive must be constructed to the satisfaction of the City of Hamilton. Should Dicenzo Drive not be extended southerly to Regina Drive at such time as Regina Drive is constructed, we will require the construction of a temporary "cul-de-sac" at the easterly end of Regina Drive.

In our previous comments on development reviews of this property it was noted that the City of Hamilton has a right-of-way over this development land shown as Parts 9 and 10 on Reference 62R-9678 which extends from Upper James Street to the Ryckman Cemetery. As a condition of development approval and dependant on the approved location of the buildings, the applicant/owner must relocate any portion of the right-of-way, as required, to the satisfaction of our Legal Corporate Services Division.

We have received preliminary site plans from the applicant in conjunction with this application review. Our detailed comments on the site plans will be submitted at the site plan stage. We have spoken to the applicants agent and advised him that all comments on the number and location of accesses, manoeuvring on-site, loading and unloading of vehicles, locations of car display adjacent to the accesses and road allowances, visibility triangles, etc. will be addressed at the site plan stage. The preliminary plan submitted does not address these issues to our satisfaction."

- The Traffic Division have advised of the following:

"We have reviewed this application and have no comments concerning the zoning modifications. The applicant has submitted a preliminary site plan and should be



advised that truck manoeuvring must be accommodated on site."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department, Community Planning and Development Division have advised of the following:
  - "1. The use of a public garage for automobile sales, auto body and fender repair and a manual car wash is not permitted.
  2. By-Law No. 88 -135 requires a 9.1 m landscaped strip along the easterly lot line.
  3. Insufficient information to determine compliance for the proposed development. Please note that the car display pads are not permitted to be located in the required landscaped area along the street line."

#### **COMMENTS:**

1. The amended proposal complies with the general intent of the Official Plan and the approved Ryckman's Neighbourhood Plan.
2. The application and preliminary site plan, as submitted, was to permit two (2) automobile dealerships (see APPENDIX "B"). The applicant has subsequently advised that the subject lands may be developed for a total of three dealerships. The amended proposal has merit and can be supported for the following reasons:
  - The proposed car dealerships are no less feasible than other uses permitted as-of-right under the current zoning on the subject lands;
  - The proposed auto body and paint shops and private car wash are uses normally ancillary to a car dealership; and,
  - The amended proposal is in keeping with the intent of the Official Plan in that the "Extended Commercial" designation provides for larger scale "highway" commercial uses requiring large open storage areas, such as automobile sales.
3. The development concept originally submitted by the applicant proposed vehicular display areas within the required landscaped area along Upper James Street and made no provision for a design feature at the entrance of the neighbourhood. Community Planning and Development Department staff did not support the proposed concept as it was contrary to the intent of the Neighbourhood Plan, "Urban Design Guidelines for the Upper James Street Corridor" and the Zoning By-



law.

Based on discussions with the applicant, the applicant agreed to revise the development concept in accordance with the "Urban Design Guidelines for the Upper James Street Corridor" and the previous development concept for the subject lands. However, whereas the 1992 approved development concept incorporated that a column and trellis structure be provided and maintained at the north-west corner of the property (see APPENDIX "F"), it is proposed that a decorative wall be provided.

In keeping with the previous requirements for the trellis structure, the design of the wall will be required to have a height between 1.2 m – 2.0 m along the daylight triangle and a minimum height of 1.0 m, except for the last 5 m which may be 0.6 m in height, along Upper James Street and Regina Drive. This would allow for the wall structure to be stepped down.

4. The application, as amended, would provide for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District to permit the use of the subject lands for automobile dealerships but incorporates the applicable provisions of the "Urban Design Guidelines Upper James Street Corridor" in accordance with the development concept adopted by City Council in 1992 (see APPENDIX "C"). Specifically, the following provisions are provided for:
  - Permits one (1) business identification sign per dealership, whereas the "G" District does not permit a pylon sign.
  - Restricts the total size of the ground sign and the sign on the decorative wall structure to an area of vertical projection of not more than 0,1 m<sup>2</sup> per 0.3 m of street frontage on Upper James Street;
  - Requires that the ground sign have a height of at least 3.0 m from the ground to the bottom of the sign and requires that the sign be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary;
  - Requires that the illumination of the sign be such that the source of light is steady and suitably shielded to contain the illumination;
  - That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except: for any area used for vehicular access; and,
  - That a minimum 6.0 m wide landscaped strip shall be provided and maintained adjacent to the daylight corner.



It is noted that the variances for the pylon signs are consistent with the previously approved development concept for the subject lands, the approved rezonings for other automobile dealerships in the vicinity, and are consistent with the size requirements for pylon signs in an "HH" District which permits highway commercial type uses such as automotive dealerships.

5. The applicant has requested a reduction from 9.1 m to 4.5 m for the landscaped planting strip along the rear of the subject lands abutting the future extension of DiCenzo Drive, and to permit the ground signs to be setback 6.0 m from the Upper James Street road allowance whereas the provisions of the Zoning By-law require 24 m.

#### Landscaped Planting Strip

The approved Ryckman's Neighbourhood Plan identifies a 9.1 m (30 foot) landscaped planting strip is required to be provided and maintained along the rear lot line. The intent of the buffer strip is to reduce conflict between the highway commercial area and adjacent residential neighbourhood. The requirements for this landscaped planting strip have been incorporated into the site specific zoning applicable to the subject lands. Specifically, By-law No. 88-135, contains the following special provisions:

- A 1.8 m – 2.0 m high visual barrier contained in a minimum 9.1m landscaped strip is to be provided and maintained along the easterly lot line; and
- No access driveway is permitted along the easterly lot line.

The landscaped buffer has been consistently applied as a minimum zoning standard through site specific By-laws along Upper James Street south of Regina Drive. The 9.1 m landscape strip is included in the approved Zoning (Zoning By-law No. 88-135) and Site Plan (DA-94-19) for the Nissan development immediately to the south of the subject lands and has been incorporated into Site Plan DA-00-08 for a retail commercial development south of Delta Drive, at 1565 Upper James Street. As such, the requested reduction in the rear landscaped planting strip would undermine the intent of the Approved Ryckman's Neighbourhood Plan.

#### Ground Sign Setback

The applicant has requested a reduction in the setback for the proposed ground signs from 24.0 m to 6.0 m. It is noted that the conditions of approval for the Nissan Dealership to the south require conformity with the "Urban Design Guidelines Upper James Street Corridor". As such, the ground sign is setback 24 m from the road allowance (see APPENDIX "G"). The building was setback approximately 40 m from the Upper James Street road allowance. The two proposed car dealerships are in a similar location to the Nissan dealership.



In order to maintain a consistent streetscape, the ground signs for the proposed dealership should be in a similar location to the Nissan dealership and as such the requested variance to the front yard setback cannot be supported. Rather, the implementing by-law should require that a minimum front yard setback of 24.0 m be provided and maintained

6. As previously noted, the applicant previously made an application to the Committee of Adjustment to permit the use of the subject lands for two automobile dealerships, to permit ground signs and to reduce the landscaping requirements applicable to the subject lands. This application was denied by the Committee of Adjustment and the applicant has appealed this matter to the Ontario Municipal Board (OMB). To provide certainty as to the ultimate development of the subject lands, the implementing By-law should be held in abeyance until the applicant has withdrawn their appeal to the OMB and the OMB has advised that the appeal has been withdrawn.
7. The "G" District is subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. In this regard, matters such as grading, drainage, landscaping, fencing, building design, orientation and driveway access, etc. will be further reviewed at the site plan control stage of development.

### **CONCLUSION:**

Based on the foregoing, the application, as amended, can be supported.



**APPENDIX "A"**

**APPENDIX "B"** – Conceptual site plan submitted by Applicant

**APPENDIX "C"** – January, 1992 Council Resolution

**APPENDIX "D"** – Zoning By-law No. 88-135  
Schedule "A"

**APPENDIX "E"** – Urban Design Guidelines for Upper James Street Corridor

**APPENDIX "E"** (con't)

**APPENDIX "E"** (con't)

**APPENDIX "E"** (con't)

**APPENDIX "E"** (con't)

**APPENDIX "E"** (con't)

**APPENDIX "E"** (con't)

**APPENDIX "F"** – 1992 Approved Development Concept

**APPENDIX "G"** – Approved Plaza Nissan Site Plan

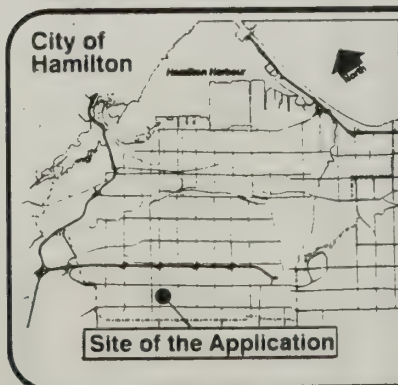
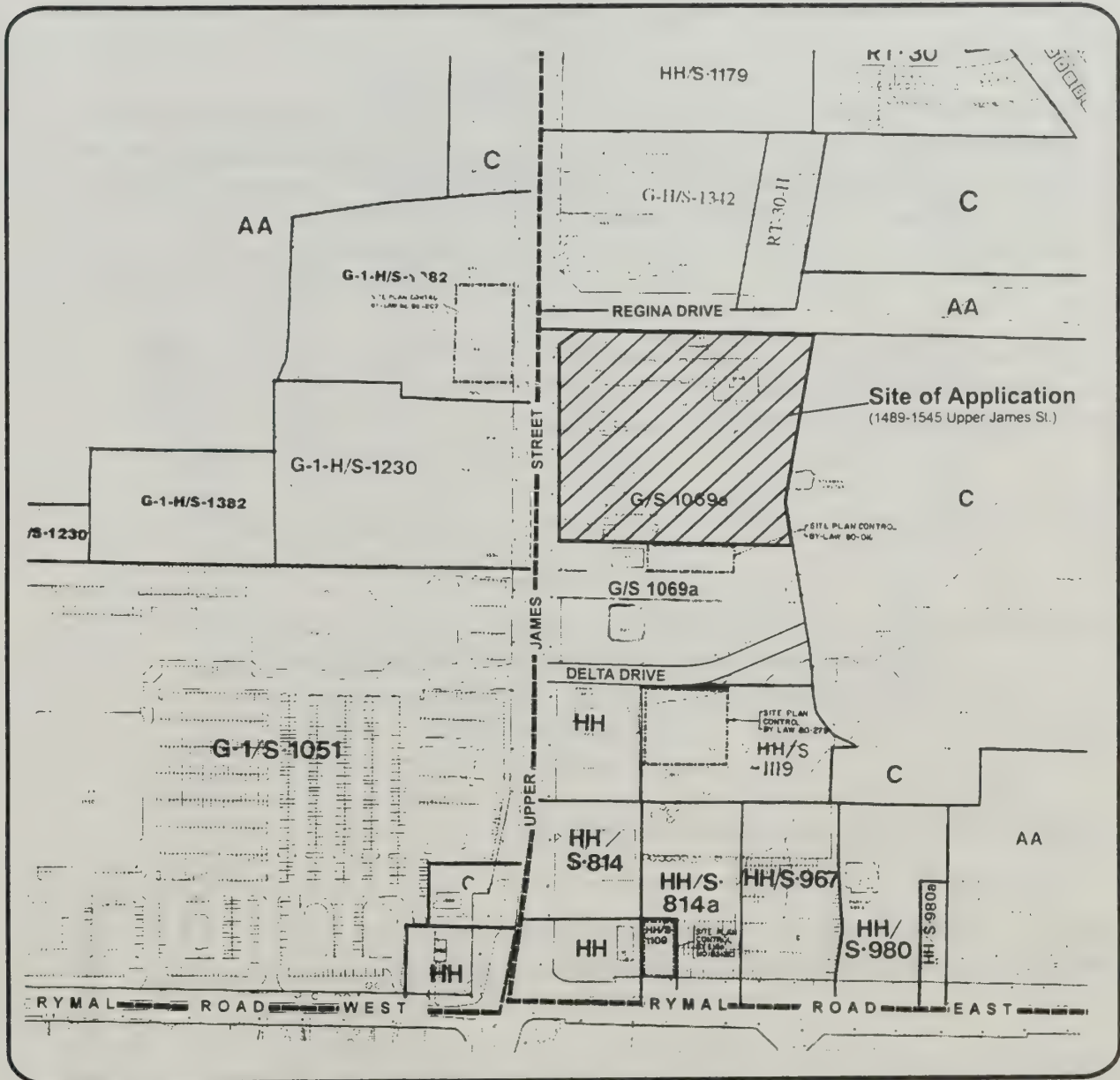


5. In keeping with the intent of the "Urban Design Guidelines for Upper James Street Corridor", the applicant has proposed to provide a landscaped strip with at the north-west corner of the site. The purpose of this design feature is to stimulate the intended shape of a mid-block plaza. Accordingly, special provisions should be included in the by-law to establish the general form of the structure and associated landscaping, which will be detailed at the site plan approval stage of development.

On the basis of the preliminary site plan (see APPENDIX "B"), three pylon signs, are proposed. Since pylon signs are not permitted in the "G" District, a special modification is required. It is suggested that the following special provisions should apply:

- Ground signs shall be permitted provided that An area of vertical projection of not more than  $0.1 \text{ m}^2$  per 0.3 m of street frontage on Upper James Street shall be permitted;
- A height of a least 3.0 m shall be provided from the ground to the bottom of the sign;
- The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater than is reasonably necessary;
- No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map



**Site of Application**  
(1489-1545 Upper James St.)

Modification to "G" (Neighbourhood Shopping  
Center, etc.) District.

Reference file:  
**ZAC-00-13**

Scale  
**Not to Scale**

Date  
**April, 2000**

Technician:  
**JS**

**APPENDIX 'A'**







.....

CITY COUNCIL

January 14, 1992

.....

39.(a) That approval be given to Zoning Application ZA-91-56, 943937 Ontario Inc. (J. LeCluse), prospective owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit two car dealerships, including accessory auto body and paint shops, for lands located on the east side of Upper James Street, south of Regina Drive, as shown on the attached map marked as Appendix "J", on the following basis:

(i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593 as amended by By-law Nos. 90-145 and 88-135, applicable to the subject lands, be further modified to include the following variances as special provisions:

(1.) That notwithstanding subsection 13(1) of Zoning By-law No. 6593, the following uses shall also be permitted:

(a) New and used car dealerships, including ancillary automobile body/fender repair shops and paint shops.

(b) A business identification sign that is a ground sign, subject to the following requirements:

(i) Not more than one sign shall be permitted for each car dealership.

(ii) An area of vertical projection of not more than 0.1 m<sup>2</sup> per 0.3 m of street frontage per car dealership on Upper James Street, shall be permitted.

(iii) A height of at least 3.0 m shall be provided from the ground to the bottom of the sign.

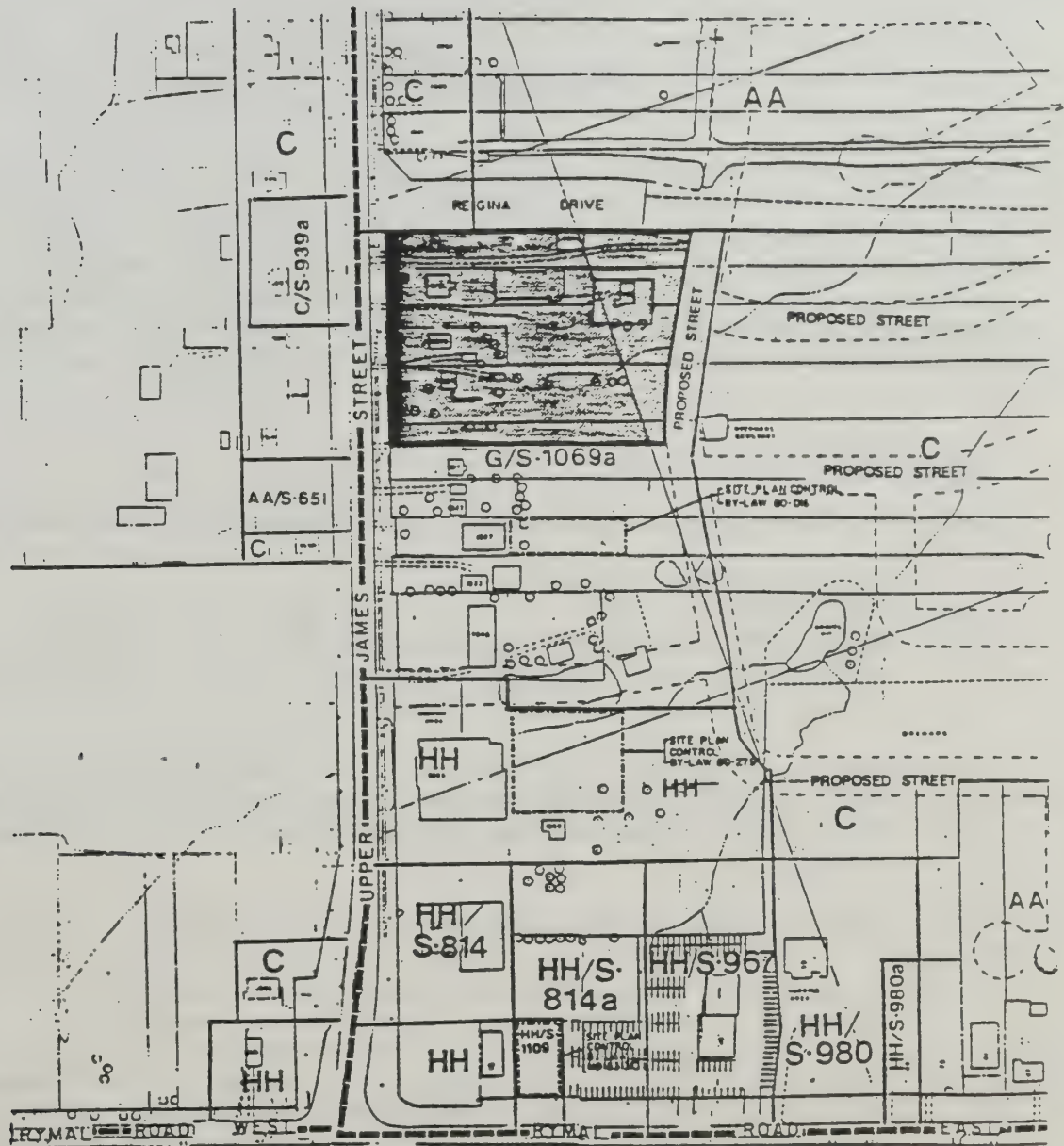
(iv) The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary.

(v) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.



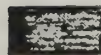
- \*\*\*\*\*
- (2.) That notwithstanding subsection 13(3) of Zoning By-law No. 6593, a column and trellis structure shall be provided and maintained at the northwest corner of the property on the following basis:
    - (a) Said structure shall be parallel to the full length of the daylight triangle and extend a minimum of 15.0m from each end thereof along the northerly and westerly lot lines,
    - (b) Said structure shall be setback a minimum of 6.0m from the property line(s).
  - (3.) That a minimum 3.0m wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except:
    - (a) For any area used for vehicular access,
    - (b) That a minimum 6.0m wide landscaped strip shall be provided and maintained adjacent to the daylight corner.
  - (ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1069b, and that the subject lands on Zoning District Map E-9D be notated S-1069b;
  - (iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;
  - (iv) That the proposed modification in zoning is in compliance with the Official Plan for the Hamilton Planning Area.
  - (b) That the amending by-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan incorporating the "Urban Design Guidelines for Upper James Street Corridor", and which is registered on title.



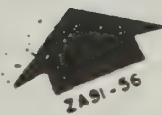


Appendix "J" as referred  
to in Section 39(a) of  
the FIRST Report for 1992  
of the Planning and  
Development Committee

**Legend**



Site of the Application





## APPENDIX "D"

### RYCKMANS NEIGHBOURHOOD PLAN POLICIES URBAN DESIGN GUIDELINES FOR UPPER JAMES STREET CORRIDOR

#### PURPOSE

The Upper James Street corridor serves as an entrance to the City. Urban design features such as landscaping, uniform building setbacks and service roads will help provide an attractive and unified appearance for the highway commercial development in this corridor. These features, as described in the following notes, will be implemented by means of site plan control.

#### COMPONENTS

There are three major component land use areas within this corridor:

##### 1. Retail/Warehouse Areas

These will be located along most of Upper James Street, between Stone Church and Rymal Road excluding the intersections at the north, south and mid-block locations.

The permitted uses will include retail/warehouse establishments. Page 16 of the Ryckmans Neighbourhood Draft Policies report provides a preliminary list of permitted uses, for discussion purposes.

The area will be designed for the use of automobile traffic.

A landscaped strip at least 3.05 m (10 ft.) wide will be located adjacent to the Upper James Street road allowance\*.

A 21.34 m (70 ft.) wide) front service road will be located next to the landscaped strip. This will provide space for two rows of parked vehicles with a laneway in the middle. This service road will run north-south through each retail/warehousing area. Access will be provided to and from Upper James Street at a limited number of points.

The retail/warehouse establishments will be located along a uniform mandatory building line, or front yard setback, approximately 24.39 m (80 ft.) from the road allowance. These buildings may have variable size, and variable rear lot lines, within a fixed building envelope of a depth which permits a rear service road.

#### \*NOTE:

The cross-section for the proposed widening of Upper James Street includes a 6.10 m (20 ft.) boulevard, 1.53 m (5 ft.) sidewalk and 1.01 m (3 ft.) grassy strip for the placement of utilities all within the road allowance, according to plans available from the Regional Engineering Department.



A 21.34 m (70 ft.) wide rear service road will be located along the rear of the commercial establishments. This will be similar to the front service road, providing space for two rows of parked vehicles with a laneway in the middle. This service road will provide access to rear parking and loading bays.

A 3.05 m (10 ft.) wide landscaped strip will be provided at the rear of the service road. Additional buffering in the form of berms, walls or wider landscaped strips will be provided if necessary to buffer sensitive adjacent uses such as residential properties.

The maximum building height permitted will be 8 stories, to prevent shading of the adjacent residential areas. The actual building height will likely be much less.

The total depth of this commercial area will be approximately 130 m (425 ft.) for most of the corridor, and 180 m (600 ft.) for a small section near Stone Church Road, as shown on the proposed Ryckmans Neighbourhood Plan.

The minimum lot frontage will be 30 m (100 ft.), and the minimum lot depth will be 100 m (325 ft.) for these retail/warehouse lands.

## 2. Mid-Block Node/Village

This will be located at a point approximately midway between Stone Church Road and Rymal Road, to the north and south of the proposed mid-block collector road.

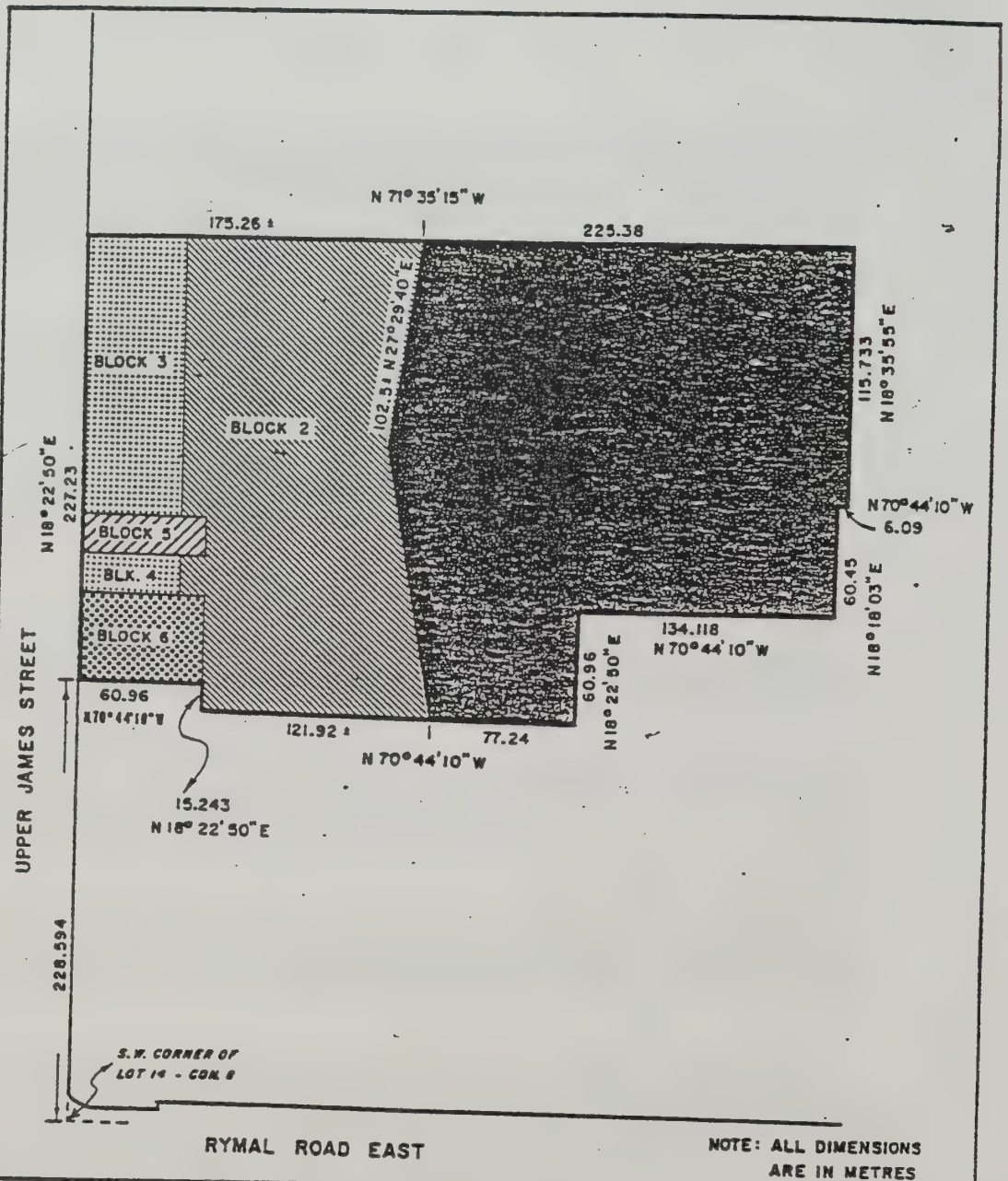
The permitted uses will include neighbourhood-based retail and service uses, to serve the adjacent residential areas, possibly in combination with retail/warehouse or residential uses.

This area will be developed in the form of several small plazas, one located on each corner of the intersection. The plazas will be roughly U-shaped, with wide sidewalks to the front and parking areas to the rear.

The area will be designed primarily for the use of pedestrian traffic, rather than through automobile traffic. It will provide local neighbourhood-based shopping and other services for nearby residents. It will also act as a gateway to the neighbourhood, by means of the collector road. A small town atmosphere will be encouraged.

Unique design features will serve as landmarks, such as gateways, archways or decorative walls at the entrance to the neighbourhood. Special treatment of traffic signals, such as a tower in the center of the intersection, may also be considered. Pedestrian crossings could be moved back from the corners of this intersection if necessary, to enable turns to be made around a traffic signal tower, if such a feature is incorporated.





<p>North</p>	<p>Scale</p> <p>NOT TO SCALE</p> <p>Date</p> <p>MARCH 17, 1988</p>	<p>Reference File No.</p> <p>ZA-87-84</p> <p>Drawing No.</p>	<p>Legend</p> <p>CHANGES IN ZONING FROM:</p> <p>BLOCK 1 "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.</p> <p>BLOCK 2 "AA" (AGRICULTURAL) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.</p> <p>BLOCKS 3 AND 4 "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.</p> <p>BLOCK 5 "E" (MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.</p> <p>BLOCK 6 "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.</p>
<p>CITY OF HAMILTON</p> <p>SCHEDULE "A"</p> <p>MAP FORMING PART OF</p> <p>BY-LAW NO. 88-135</p> <p>TO AMEND BY-LAW NO. 6593</p> <p>Regional Municipality of Hamilton-Wentworth Planning and Development Department</p>			



The maximum building height permitted will be 3 to 4 stories. This may enable mixed use buildings with commercial on lower floor(s) and residential on upper floor(s).

The depth of these areas will be approximately 130 m (425 ft.), with approximately 90 m (300 ft.) of frontage on both the north and south sides of the mid-block intersection.

### 3. Commercial and Open Space

Commercial uses will be permitted at the north and south corners of the Ryckmans neighbourhood, at the intersections of Upper James Street with Stone Church Road and Rymal Road.

The permitted uses and other requirements will be the same as for other commercial areas located elsewhere in the City.

The uniform mandatory front building line, front service road and landscaping will be the same as for the retail/warehouse areas located along Upper James Street elsewhere within the neighbourhood.

A special open space area will form part of the associated landscaping in the immediate vicinity of the intersection of Upper James Street and Stone Church Road, on all four corners.

The permitted uses for this special area will include the existing church, open space, parkland and possibly parking lots. The purpose of this designation is to preserve and enhance the significance of the Barton Stone United Church, on the south-west corner of the intersection, as a historical landmark in the area. The creation of an open space area will complement the existing cemetery lands, and ensure that the church stands out as a focal point, rather than competing visually with commercial buildings.

The open space area will be approximately 60 m (200 ft.) deep by 60 m (200 ft.) wide on each of the corners of the intersection or about the same size as the church site; and will be developed in conjunction with the commercial lands in this vicinity.



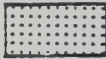


There will be a 3.05 m (10 ft.) landscaped strip at the rear and side of this open space area.

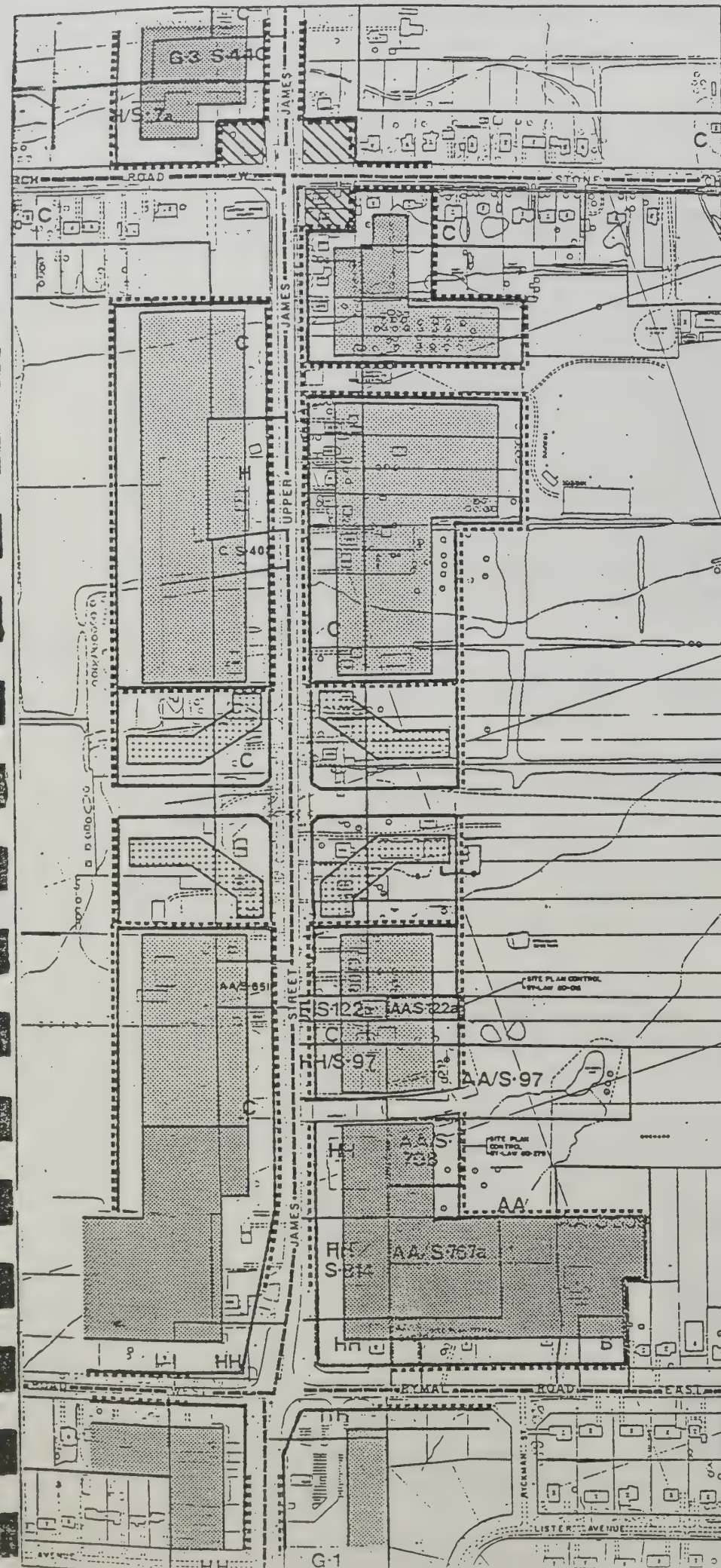


# URBAN DESIGN PLAN

## Upper James Street Corridor

### LEGEND

-  Commercial
-  Commercial and Retail Warehouse
-  Neighbourhood Commercial
-  Landscaped Strip
-  Open Space



Note: The proposed building envelopes for the commercial establishments are shown.

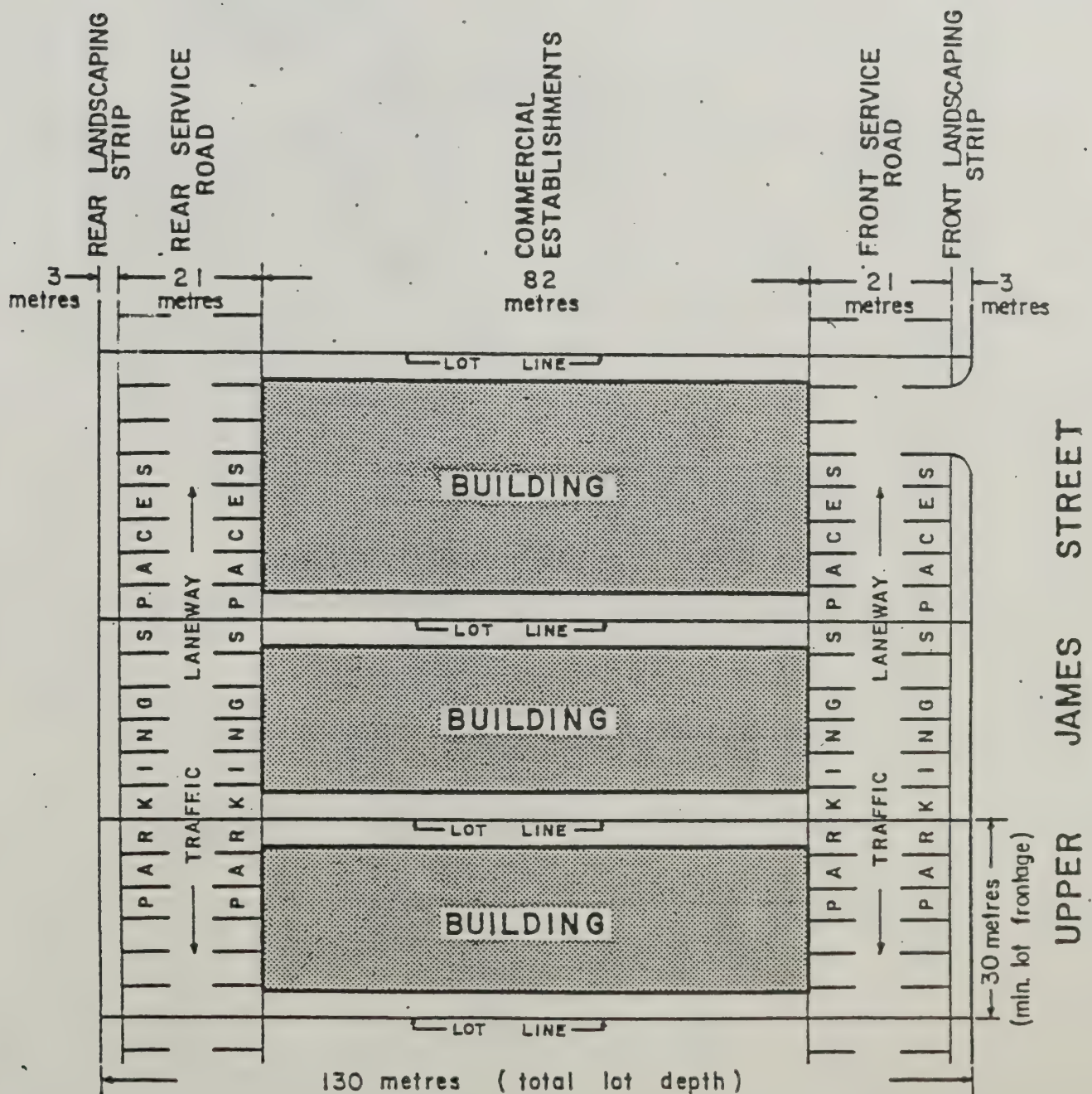
These will be surrounded by front and rear service roads/parking areas and landscaping.



# URBAN DESIGN GUIDELINES FOR UPPER JAMES STREET CORRIDOR

### Example of Commercial Area Design for:

- 1) Commercial  
and 2) Commercial & Retail/Warehouse

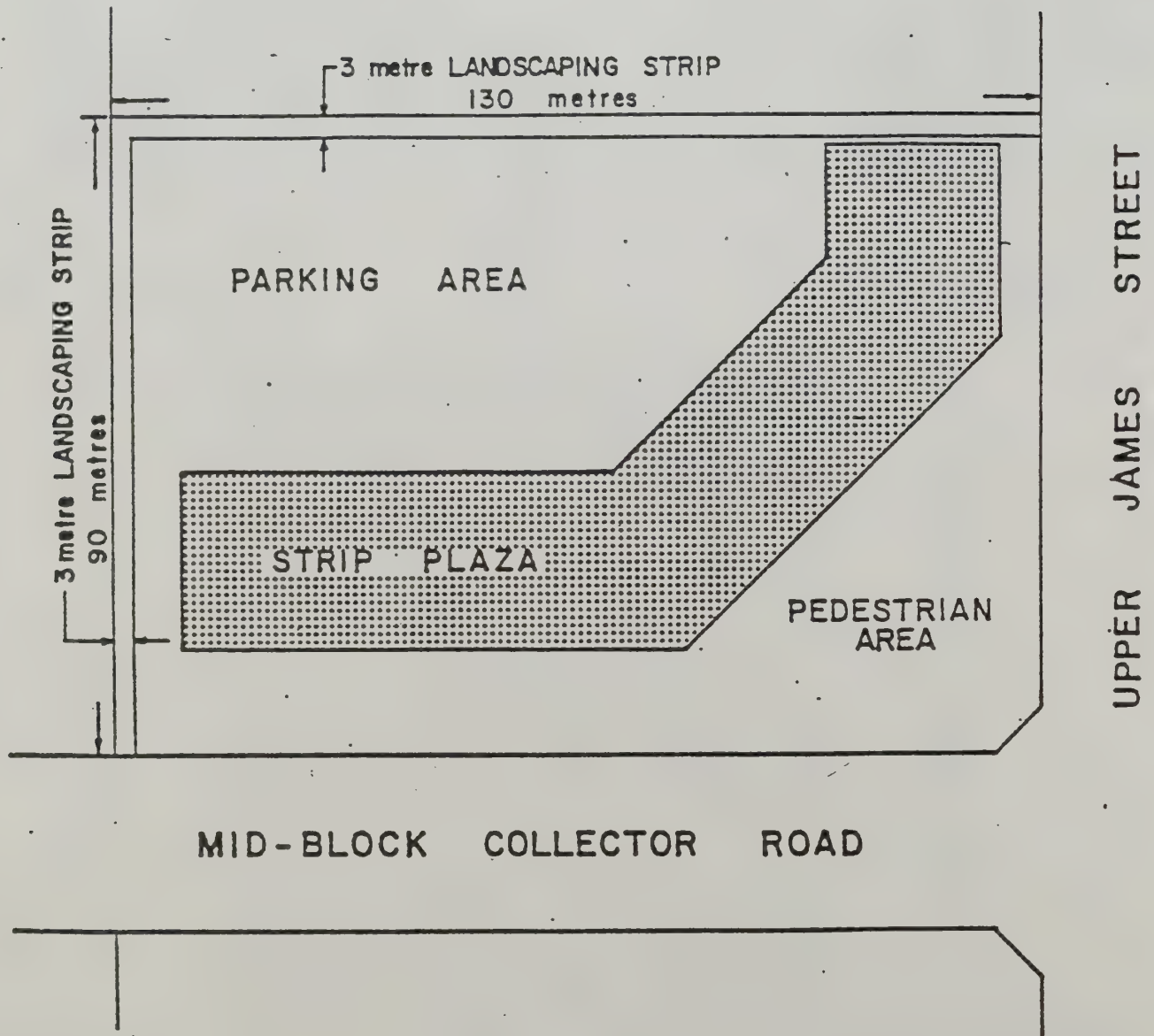




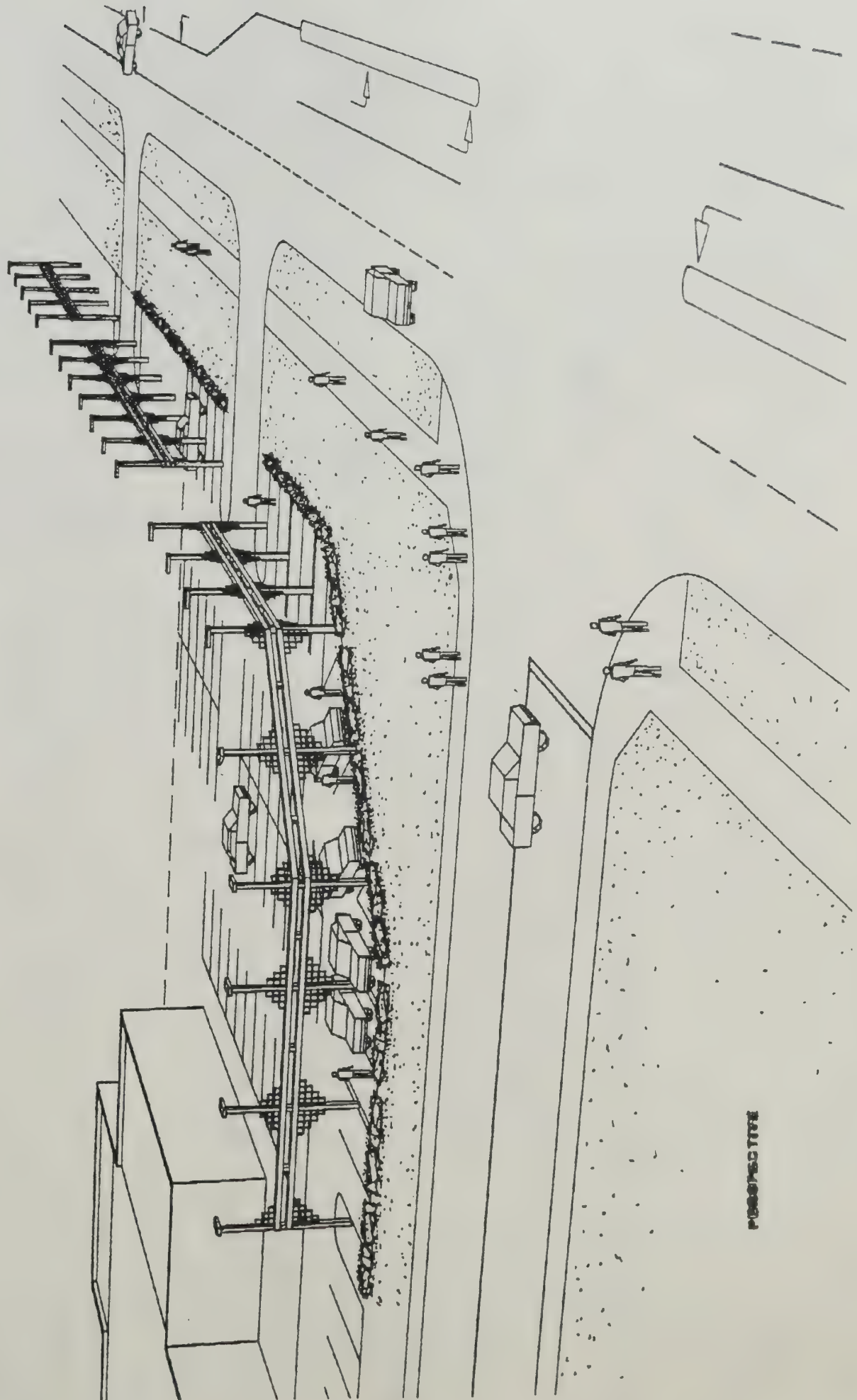
# URBAN DESIGN GUIDELINES FOR UPPER JAMES STREET CORRIDOR

Example of Commercial Area Design for:

## 3) Neighbourhood Commercial





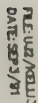


PROPOSED TYPE



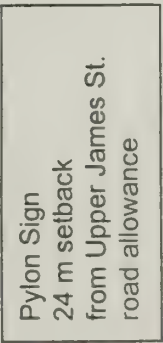
proposed street

3m LANDSCAPE STRIP





94313  
A-1









2.4.1

1428 Upper James Street  
Hamilton, Ontario

L9B 1K3

OFFICE OF THE MUNICIPAL CLERK

May 8, 2000

MAY - 9 2000

REC. BY ..... DATE .....

REF'D TO ..... DATE .....

REF'D TO ..... DATE .....

REF'D TO ..... DATE .....

Secretary, Planning and Development Committee,  
City of Hamilton

Re: ZAC-00-13 Application for variances to the By-law  
Development of 1489 - 1545 Upper James Street  
Public Meeting of the Planning and Development Committee  
Wednesday May 24, 2000 Room 233, 2<sup>nd</sup> Floor, City Hall

Dear Sir:

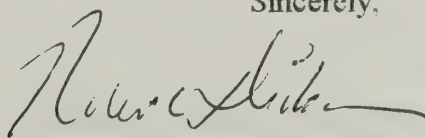
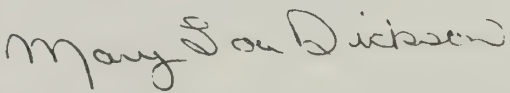
We wish to register our opposition to the application from By-law(s) concerning the development of the subject lands.

Ground signs are restricted for very good reasons. They are unattractive and distracting to traffic. The number of ground signs permitted at present is exceeded in many locations without monitoring or penalty. To allow a development to start with three ground signs seems absurd, abandoning any sense of the appearance of Upper James Street and setting an unreasonable precedent.

Landscaped strips along property boundaries protect adjacent properties from noise and views to an extent which City planning has determined is reasonable. Landscaped strips should not be reduced in order to allow the Developer "more room".

Please send us a copy of the decision of the Committee.

Sincerely,

   
Robert C. Dickson and Mary Lou Dickson







3.1

# MINUTES

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday May 3, 2000

9:30 a.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton



---

**Present:** Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

**Regrets:** Mayor R. Morrow (Civic Business)

**Also Present:** Alderman M. Kiss, Alderman A. Horwath, Alderman D. Wilson, Alderman B. Morelli, Alderman T. Anderson, L. Coveyduck, P. Mallard, B. Janssen, G. Paparella, J. Spolnik, E. Switinky, N. Smith, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

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### THE FOLLOWING ITEMS WERE RECOMMENDED TO COUNCIL:

1. **City Initiative for a Change in Zoning for No. 90 Kinrade Street (PDC00082)**  
(item 2.1)
  - (a) That approval be given to City Initiative CI-00-B, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two-Family Dwellings) District, modified, to permit a semi-detached dwelling (2 units), for lands located at No. 90 Kinrade Avenue, as shown on the attached Map marked as Appendix "A", on the following basis:
    - (i) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two-Family Dwellings) District.



- (ii) That the "D" (Urban Protected Residential – One and Two-Family Dwellings) District regulations as contained in Section 10. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
  - 1. Notwithstanding Section 10.(3)(i) a front yard of a depth of at least 5.4 m shall be provided and maintained.
  - 2. Notwithstanding Section 10.(4)(ii) a two-family dwelling shall have a lot area of at least 530 m<sup>2</sup>.
  - 3. Notwithstanding Sections 18A.(14a) and 18A.(14g) required parking may be provided in a required front yard.
  - 4. Notwithstanding Section 18A.(1)(f) and 18A.(9) manoeuvring space for the required parking shall not be required.
  - 5. Any fence shall be setback a minimum of 5.0 m from the Kinrade Avenue road allowance limits.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1444, and that the subject lands on Zoning District Map E21 be notated S-1444.
- (iv) That Corporate Counsel be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E21 for presentation to City Council.
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That upon finalization of the implementing Zoning By-law, the Approved Gibson Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double Residential".

**2. Request for a Modification in Zoning for Lands Located at 1015 Main Street West (PDC00083) (Item 2.2)**

That approval be given to Zoning Application ZAR-00-06, Columbia International College, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District for lands known as 1015 Main Street West as shown on



the attached map marked as Appendix "B", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Section 9.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
    - 1. a commercial school for secondary school level education;
- (b) That Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33 for presentation to City Council;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1445, and that the subject lands on Zoning District Map W-33 be notated as S-1445;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That Site Plan Control By-law No. 79-275, as amended, be further amended by adding the lands to Schedule "A".

**3. Demolition of 9 Charlton Avenue West (PDC00076) (Item 4.1)**

- (a) That subject to subsection (b) below, that the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 9 Charlton Avenue West, in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of The Planning Act (Section 33); and]
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 9 Charlton Avenue West subject to the following conditions:
  - (i) the applicant has applied for and received a building permit for a replacement building on the property; and,
  - (ii) the said building permit specifies that the new building be erected



within two years of the demolition of the existing building on this property; and,

- (iii) the said building permit specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000; and,
- (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the Acting Municipal Clerk listed below) in a form satisfactory to the Building Commissioner and to the Corporate Counsel; and,
- (v) if the said building is not erected as required, the Acting Municipal Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

**4. Demolition of 11 Charlton Avenue West (PDC00077) (Item 4.2)**

- (a) That subject to subsection (b) below, that the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 11 Charlton Avenue West, in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of The Planning Act (Section 33); and]
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 11 Charlton Avenue West subject to the following conditions:
  - (i) the applicant has applied for and received a building permit for a replacement building on the property; and,
  - (ii) the said building permit specifies that the new building be erected within two years of the demolition of the existing building on this property; and,
  - (iii) the said building permit specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000; and,
  - (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these



conditions (including the directions to the Acting Municipal Clerk listed below) in a form satisfactory to the Building Commissioner and to the Corporate Counsel; and,

- (v) if the said building is not erected as required, the Acting Municipal Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

**5. Demolition of 1515 Upper Sherman Avenue (PDC00078) (Item 4.3)**

That the Building Commissioner be authorized to issue a demolition permit for 1515 Upper Sherman Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**6. King Street West Business Improvement Area (B.I.A.)  
Proposed Budget and Schedule of Payment for 2000 (PWT00078) (Item 4.4)**

- (a) That the 2000 operating budget for the King Street West B.I.A., attached as hereto as Appendix "C", be approved in the amount of \$2,800; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and
- (c) That the following schedule of payment for 2000 be approved:

May \$2,800

Note: 1999 assessment appeals may be deducted from the 2000 levy payment.

**7. Downtown Hamilton Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00079) (Item 4.5)**

That the following individual be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Breckon Husband

4 Hughson Street South, Dalton Timmis Group



**8. Barton Village Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00086) (Item 4.6)**

That the following individuals be appointed to the Barton Village B.I.A.'s Board of Management:

Mitri Boukhers	448 Barton Street East, Bombardieri Uniforms
Anabela Martins	281 Barton Street East, Totta and Sottomayor Bank Canada
Marlene Balsdon	33 Princess Street, Master Paints and Varnish Co.

**9. International Village Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00088) (Item 4.7)**

That the following individual be appointed to the International Village B.I.A.'s Board of Management:

Frank Lauinger	203 King Street East (owner)
----------------	------------------------------

**10. 227 St. Clair Blvd. – Heritage Permit for Rear Addition (PDC00075) (Item 4.8)**

That a Heritage Permit be approved for a second storey rear addition to the house at 227 St. Clair Boulevard, in the St. Clair Boulevard Heritage Conservation District, as shown on the rear and side elevations attached hereto as Appendix "D".

**11. Hamilton Beach Heritage District - By-law of Intent to Designate (PDC00073) (Item 4.9)**

That the Legal Department be directed to prepare a by-law defining the portion of the Hamilton Beach Neighbourhood between 869 to 1019 Beach Boulevard, on the east side, and 856 to 1052 Beach Boulevard, on the west side, as shown on the attached APPENDIX "E", as an area to be examined for future designation as Hamilton Beach Heritage Conservation District.

**12. Core Heritage 2000 Program, 72-76 James Street North (HSB00007) (Item 4.10)**

That a grant, for façade improvements, under the Core Heritage 2000 Program in



the amount of forty-nine thousand, two hundred and thirty-eight dollars (\$49,238) to Chin Yu Wu, registered owner of 72 – 76 James Street North, be approved.

**13. Demolition, 15 Division Street (PDC00060) (Item 5.2.1)**

- (a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 15 Division Street in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 15 Division Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**14. Demolition, 74 Harrison Street (PDC00061) (Item 5.2.2)**

- (a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 74 Harrison Street in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 74 Harrison Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**15. Bills:**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-016 A By-law to Amend Zoning By-law No. 6593 Respecting: Land Located at Municipal No. 1389 Upper James Street .
- (b) C-017 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located South of Royalvista Drive and West of Upper Gage Avenue.



- (c) C-018 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located West of James Street North and East of Bay Street North and South of the CN Railway Line.
- (d) C-019 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at the North-West Corner of Upper James Street and Limeridge Road West (Formerly Known as Municipal No. 1078 Upper James Street).
- (e) C-020 A By-law to Define as a Heritage Conservation District the Area of the Hamilton Beach Neighbourhood Comprised of 869 to 1019 Beach Boulevard (East Side) and 856 to 1052 Beach Boulevard (West Side).
- (f) C-021 A By-law to Remove Land Within the "Woodland Meadows" Subdivision, Plan 62M-899 from Part Lot Control.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:**

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – April 5, 2000 (Item 3)**

The Minutes of the meeting held April 5, 2000 were adopted.

- (c) **City Initiative for a Change in Zoning for No. 90 Kinrade Street (PDC00082) (Item 2.1)**

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard advised that of 198 notices circulated, 2 replied in favour and 3 opposed.

A submission including a petition was received from Mr. Philip Chu on behalf of Our Lady of Vietnam Church, 644 Barton Street East.



Norm Westbury, Executive Director for Hamilton Habitat for Humanity was present. He stated that he is excited about the proposal. He also noted that there are many parking lots in the area.

Philip Chu was present in opposition to the recommendation and stated that the Church does not want others using their lot for parking as a result of losing a parking lot to the proponents for housing.

Alderman Haining advised that the parking lot has been closed for several years and that the BIA has no concerns.

In response to a question regarding timing, Mr. Westbury advised that they would build the homes in September and dedicate them in October.

Alderman Haining agreed to meet with Mr. Chu to resolve concerns.

\* Alderman Copps was opposed.

(d) **Request for a Modification in Zoning for Lands Located at 1015 Main Street West (PDC00083) (Item 2.2)**

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the application. He recommended that the restriction to limit the rezoning to the existing building only be deleted. In this way the establishment is given the same consideration as other schools. Of the notices circulated 14 replied in favour and 7 opposed.

Alderman Copps was not in favour of the proposed amendment.

John Ariens, agent, 360 James Street North, Liuna Station was present on behalf of the applicant. With regard to Mr. Watson's correspondence he advised that the owner is prepared to repair the existing or erect a new chain link fence. He added that there is no residential accommodation and that the new owners will be good tenants.

Sam Gangbar of 981 Main Street West, the abutting neighbour was present on behalf of the 500 tenants. He stated that he is not in objection under the condition that the fence meets with his approval.



Alderman Caplan agreed to meet with the proponents and the neighbours in order to resolve any concerns.

The main motion was approved as amended to delete the restriction to limit the rezoning regarding future expansion to the existing building.

\*Alderman Copps was opposed.

(e) **Information Items** (Item 4.11)

That the following Information Item as previously distributed to Members of the Planning and Development Committee be received:

- (i) Correspondence from the Director of Housing and Shelter to the Canada Housing and Housing Corporation dated April 18, 2000 re: RRAP program request for extension of deadline submission for construction estimates.

(f) **DELEGATION** Alderman Anderson (Item 6)

Request for Site Plan Application Fee Refund- 422 East 24<sup>th</sup> Street, Rito Gizzarelli

Alderman Anderson explained that the application was a request for an addition to the second floor and it did not affect the setbacks and was approved in 1 hour. Alderman Anderson felt that it is difficult to justify the fee charged.

Paul Mallard advised that the area was zoned modified "D" in the 70's to allow for reduced lot area and no yard requirements. Generally there are 60 applications per year.

Lee Ann Coveyduck advised that the fee is at cost recovery as based on an average fee.

Following discussion the Committee resolved that no action be taken on this matter.

(g) **CAPIC re: Former Health Department Building, 74 Hughson Street South** (Item 5.1)



Lee Ann Coveyduck advised that Council has approved the drafting of Requests for Proposals and that as part of such it has been anticipated that the building will be demolished.

A discussion ensued regarding the merits of an option for the façade to be maintained.

Alderman Horwath reiterated that a decision has been made not to retain the building.

The Committee resolved that the correspondence before them from CAPIC dated April 18, 2000 be received.

A further motion to permit proposals which would include the retention of the East-West and South facades of the building was introduced and defeated.

(h) **Demolitions: (previously tabled)**

**15 Division Street (PDC00060) (Item 5.2.1)**

**74 Harrison Street (PDC00061) (Item 5.2.2)**

Alderman Copps advised that Ms. Kim Dawson of 19 Division Street is in the process of working out an agreement with the proponents regarding various conditions. Her property abuts both properties proposed to be demolished.

Paul Mallard advised that the properties will be placed under site plan but the Committee was concerned that the site plan affects the demolished properties only and not that of Ms. Dawson.

The Committee resolved to approve both demolitions conditional upon agreement being reached between both parties prior to the next City Council Meeting.

(i) **Other Business (Item 7)**

(i) Alderman Charters requested and the Committee concurred that a verbal report regarding the processing of applications under the RRAP Program and other Programs affecting the downtown core be



presented at each meeting of the Planning and Development Committee.

- (ii) Alderman Charters gave a brief history of the buildings at 207 to 213 King Street East and attempts to retain them in a proposed development. As it has been determined that it is not economically viable to keep them, they should be demolished.  
The Committee resolved that a special meeting of the Planning and Development Committee be held prior to the next City Council meeting regarding a request for demolition of buildings at 207-213 King Street East. Staff is to bring information relevant to this to the meeting.
- (iii) Upon the request of Alderman Wilson Building Division Staff was directed to review the proposed use of 56 Kenilworth Avenue North as a used car lot and the application of the by-laws regarding site plan.

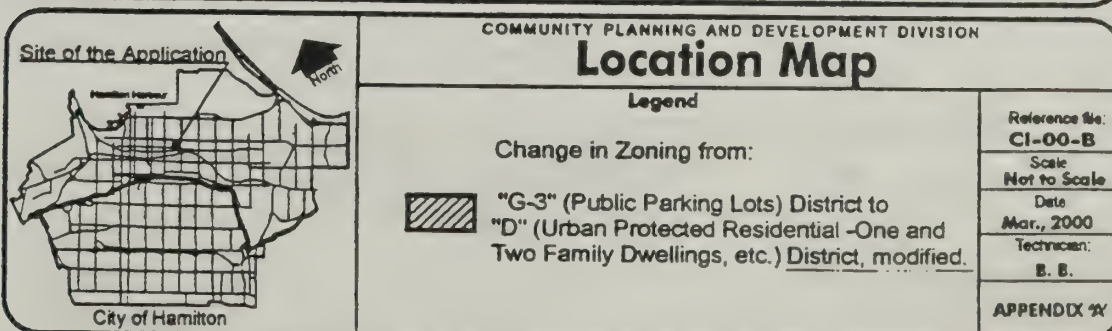
Note: The meeting of the Planning and Development Committee adjourned at 11:20 a.m.

**Alderman F. D'Amico, Chairperson  
Planning and Development Committee**

**Tina Agnello, Legislative Assistant  
May 3, 2000**



in Section 1 of Report  
09-00 of the Planning &  
Development Committee  
2000, and the Minutes of the  
Planning & Development C  
Meeting held May 3, 2000.





Appendix "B" referred to  
in Section 2 of Report  
09-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held May 3, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION		
<b>Location Map</b>		
<p>Site of the Application</p> <p>City of Hamilton</p>	<p>Legend</p> <p> Modification to the "C" (Urban Protected Residential, etc.) District</p>	<p>Reference file: ZAR-00-06</p> <p>Scale Not to Scale</p> <p>Date Mar., 2000</p> <p>Technician: B. B.</p>
	<p>APPENDIX 'A'</p>	



King Street West Business Improvement Area (B.I.)  
Proposed Budget and Schedule of Payment for 2000

Appendix "C" referred to  
in Section 6 of Report  
09-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held May 3, 2000.

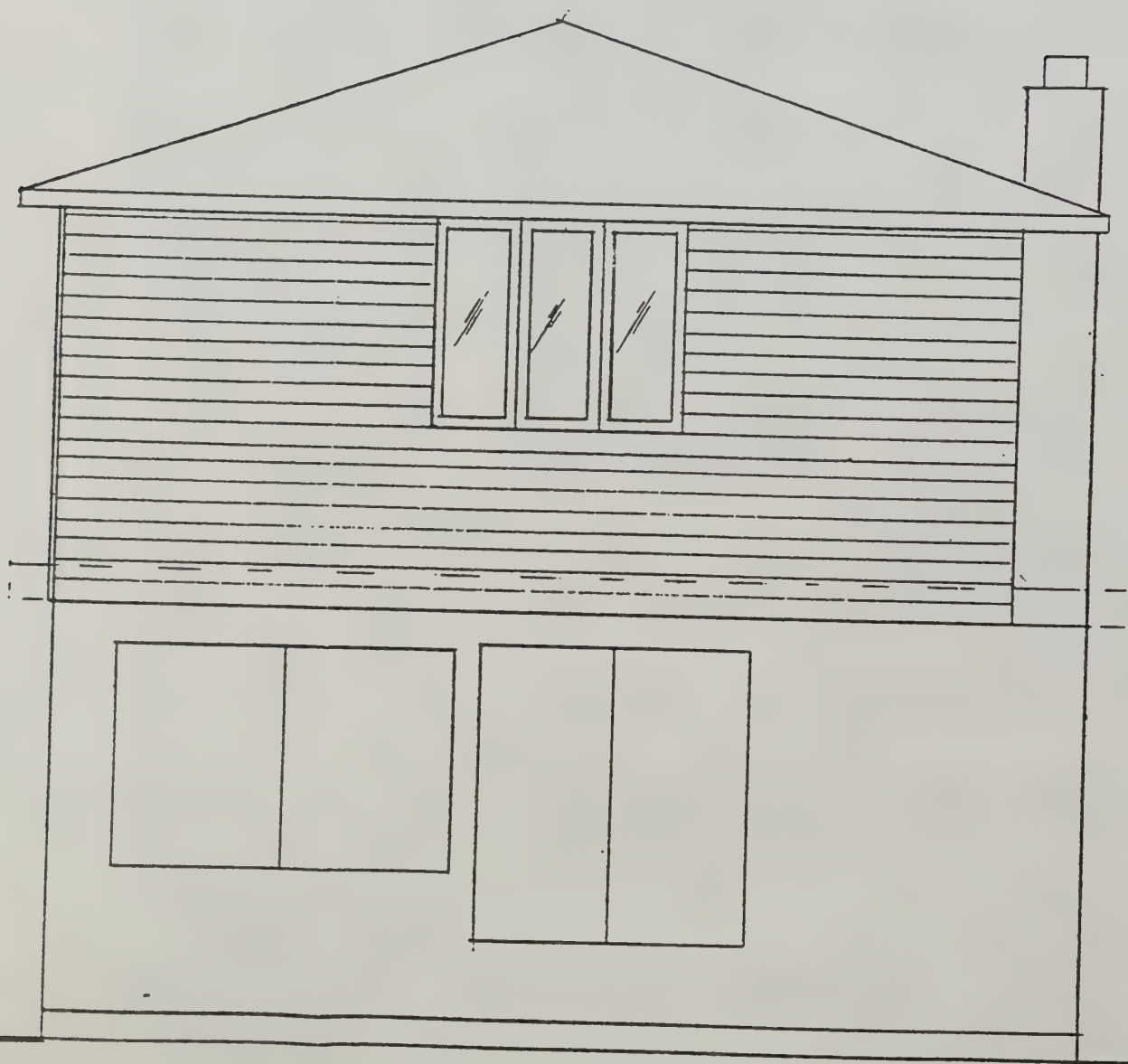
**KING STREET WEST  
BUSINESS IMPROVEMENT AREA'S**

**2000 BUDGET**

Insurance	\$ 810.00
Audit	\$ 400.00
Contingency fund	<u>\$ 280.00</u>
Plus: Administration, Advertising/promotion, Special events, Christmas Decorations, Meeting expenses, Office supplies, postage,	<u>\$1310.00</u>
<b>TOTAL BUDGET</b>	<b>\$2800.00</b>



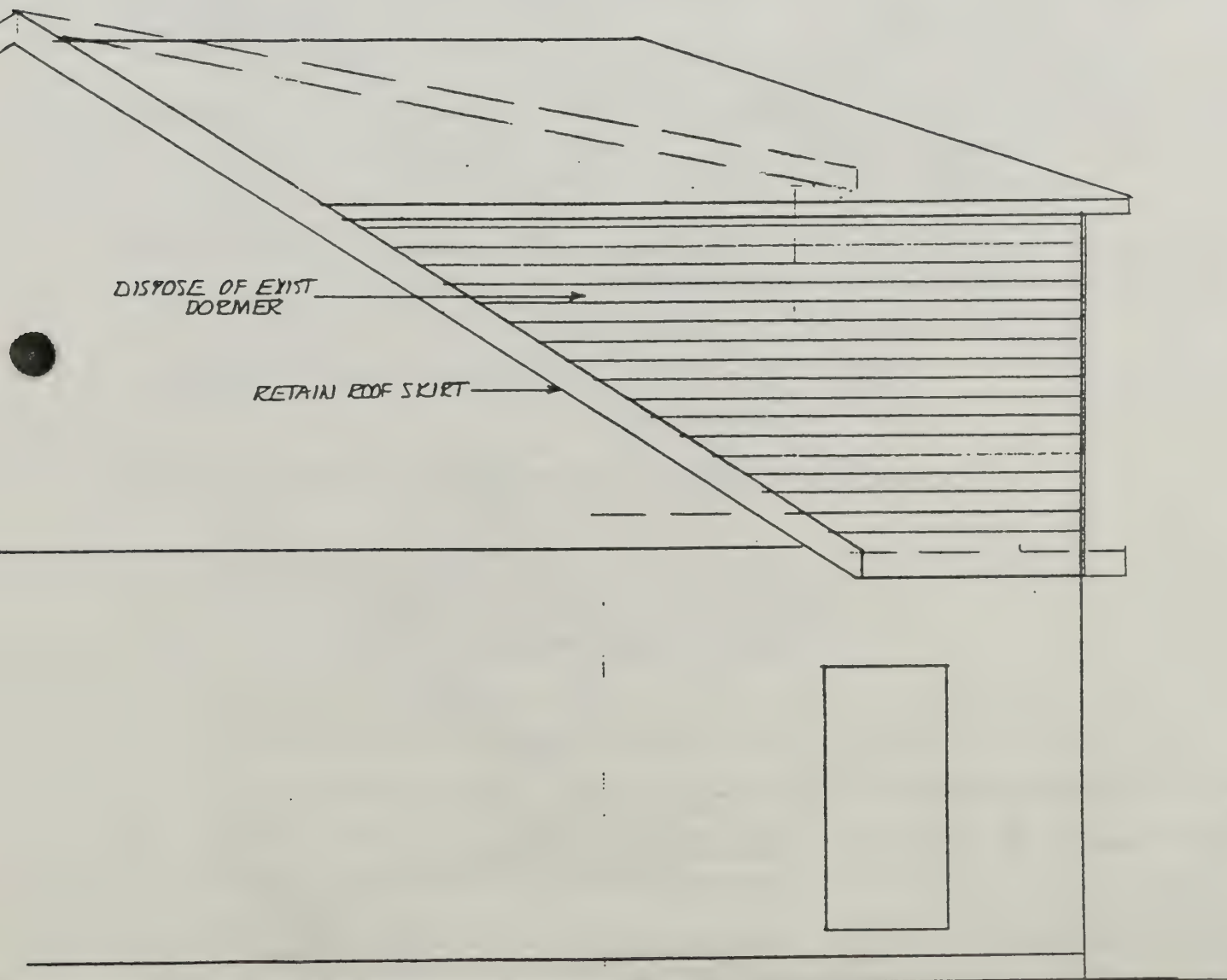
Appendix "D" referred to  
in Section 10 of Report  
09-00 of the Planning &  
Development Committee for  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held May 3, 2000.



REAR ELEVATION



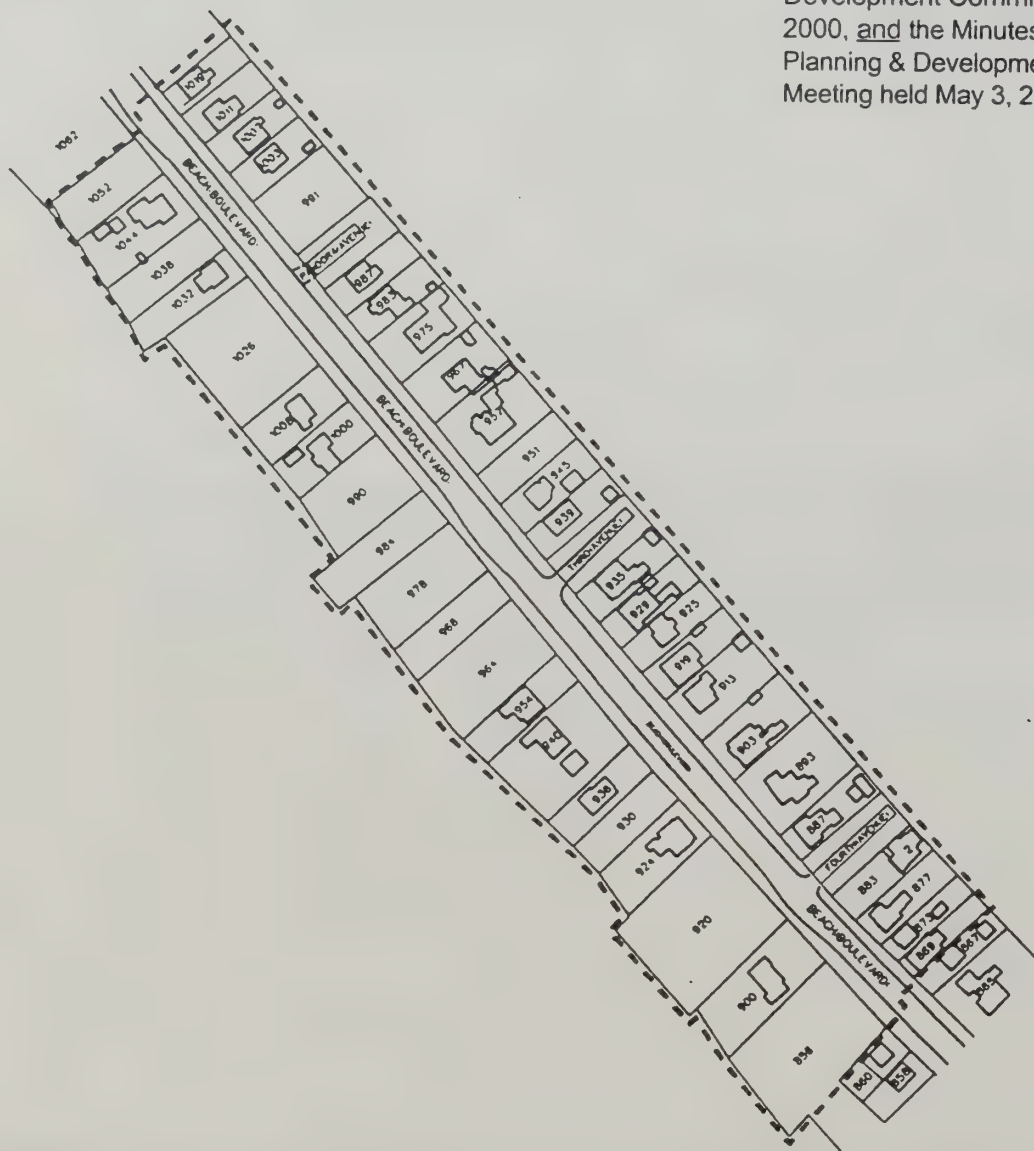
REAR ELEVATION



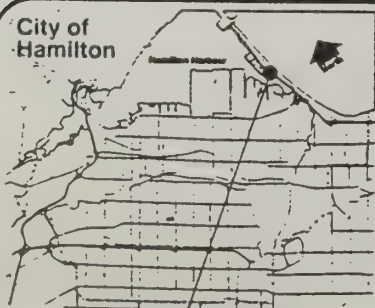
SIDE ELEVATION



Appendix "E" referred to  
in Section 11 of Report  
09-00 of the Planning &  
Development Committee for,  
2000, and the Minutes of the  
Planning & Development Committee  
Meeting held May 3, 2000.



City of  
Hamilton



Site of the Application

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map



Site of Application  
(Hamilton Beach Area)

Reference file:  
**P5-2-60**

Scale  
**Not to Scale**

Date  
**April, 2000**

Technician:  
**JS**

**APPENDIX 'A'**



3.2

## MINUTES

### CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, May 9, 2000  
9:30 a.m.

Room 233, Hamilton City Hall  
71 Main Street West, Hamilton



---

**Present:** Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. M. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

**Also Present:** Alderman Horwath, Alderman O'Sullivan, L. Coveyduck, J. Hickey-Evans, P. Lampman, M. Mascarenhas, G. Gambioli, N. Smith, A. Ross, R. Foulds, C. Bian, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

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#### THE FOLLOWING ITEMS WERE RECOMMENDED TO COUNCIL:

1. **Demolition: 209 King Street East (PDC00088)**  
211 King Street East (PDC00089)  
213 King Street East (PDC00090)

That the Acting Director of Building be authorized to approve an application for a demolition permit for the building located at 209, 211 and 213 King Street East.

2. **Second Ontario Municipal Board Decision – 195 Ferguson Avenue North (Wesley Drop In Centre) (PD99088F)**

- (a) That Regional Council be requested to prepare a business case to determine if the continued operation of the Wesley Centre and the potential funding of the renovation improvements required by the Ontario Municipal Board make it financially viable for its operation to remain in its present location at 195 Ferguson Avenue North;



- (b) That concurrently, City Council shall appeal the decision of the Ontario Municipal Board to the Divisional Court.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:**

- (a) **Declarations of Interest** (Item 1)

None declared.

- (b) **Demolitions:**

209 KING STREET EAST (PDC00088) (item 2.1.1)

211 KING STREET EAST (PDC00089) (item 2.1.2)

213 KING STREET EAST (PDC00090) (item 2.1.3)

Alderman Charters advised that the project is at the point of critical path. It is imperative that the demolitions proceed without conditions in order that construction begin in the Fall and in order to proceed as budgeted.

Lee Ann Coveyduck advised that the recommendation before the Committee is in accordance with policy.

In response to a question from Alderman Eisenberger, Mr. Mascarehas advised that is not possible to meet the conditions and proceed with the project on budget due to escalating construction costs.

Alderman Charters confirmed that one demolition is required for all three addresses.

Following discussion the Committee resolved that the demolitions for all three addresses be approved with no conditions.

\* Alderman Copps was opposed.

- (c) **Second Ontario Municipal Board Decision – 195 Ferguson Avenue North (Wesley Drop In Centre) (PD99088F) (Item 3)**

The Committee adjourned into closed session, reconvened immediately thereafter and approved the report of the General Manager, Community



Planning and Development Division and Corporate Counsel, Corporate Services Division dated May 4, 2000 as amended to concurrently appeal the decision of the Ontario Municipal Board to the Divisional Court.

Note: The meeting of the Planning and Development Committee adjourned at 5:45 p.m.

**Alderman F. D'Amico, Chairperson  
Planning and Development Committee**

**Tina Agnello, Legislative Assistant  
May 9, 2000**







## CITY OF HAMILTON

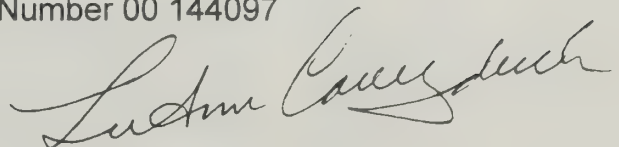
## - RECOMMENDATION -

**DATE:** 2000 April 26

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
277 BARTON STREET WEST - Tag Number 00 144097  
(00.1.1.A) (PDC-00084)

**RECOMMENDATION:**

That the Acting Director of Building be authorized to issue a demolition permit for 277 Barton Street West in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** Transition Board approval is not required.

**BACKGROUND:**

**PRESENT ZONING:** D (Map W-11)

**PRESENT USE:** Single Family Dwelling


**PROPOSED USE:** Semi-Detached Two Family Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the single family dwelling which is attached to the adjacent dwelling at 279 Barton Street West, merge the two parcels of land and erect a new semi-detached two family dwelling. A building permit application for the new semi-detached dwelling has been submitted and is currently being reviewed. A Committee of Adjustment application has been submitted for reduced lot width for the proposal and will be heard at the May 3, 2000 Committee of Adjustment meeting. This property is located in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 11.09m x 40.23m.



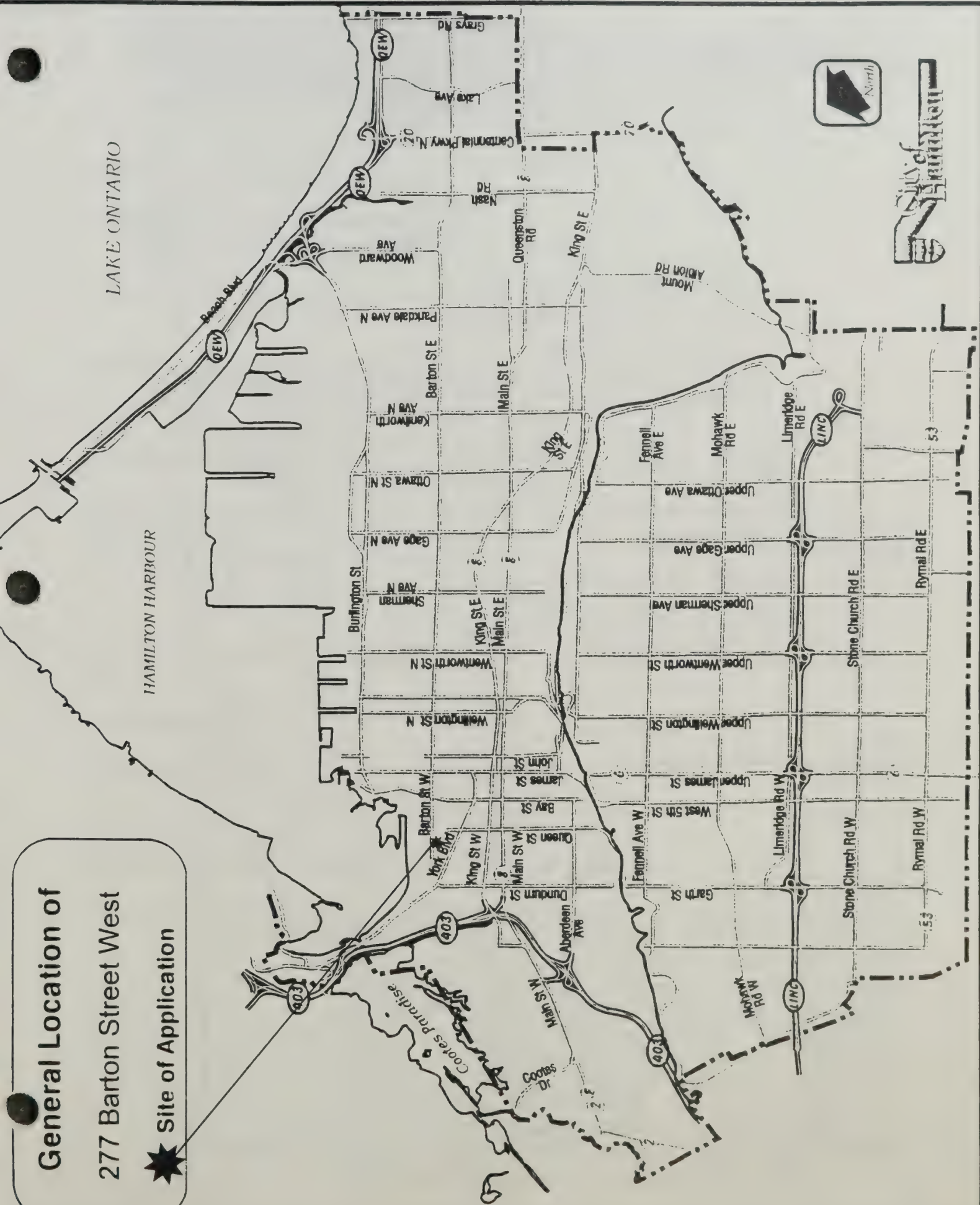
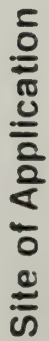
The owner of the property as per the demolition permit is:

Maria Coutinho  
246 MacNab Street North  
Hamilton, Ontario L8L 1K3

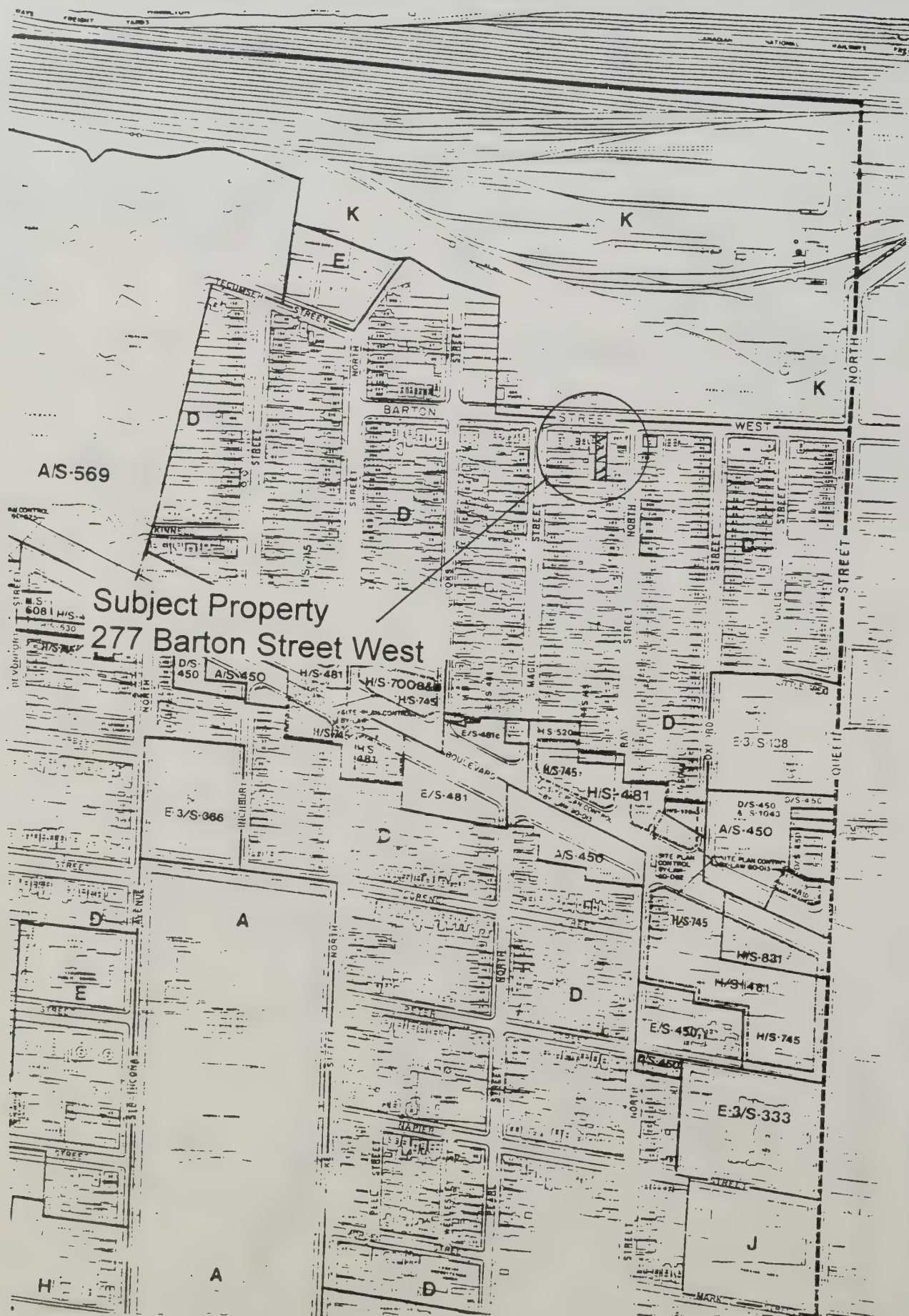
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277 Barton Street West









**CITY OF HAMILTON**  
**- RECOMMENDATION -**

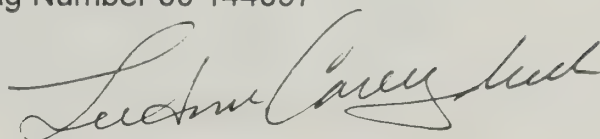
**DATE:** 2000 April 26

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
279 BARTON STREET WEST - Tag Number 00 144097  
(00.1.1.A) (PDC-00085)

**RECOMMENDATION:**



That the Acting Director of Building be authorized to issue a demolition permit for 279 Barton Street West in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** Transition Board approval is not required.

**BACKGROUND:**

**PRESENT ZONING:** D (Map W-11)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Semi-Detached Two Family Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the single family dwelling which is attached to the adjacent dwelling at 277 Barton Street West, merge the two parcels of land and erect a new semi-detached two family dwelling. A building permit application for the new semi-detached dwelling has been submitted and is currently being reviewed. A Committee of Adjustment application has been submitted for reduced lot width for the proposal and will be heard at the May 3, 2000 Committee of Adjustment meeting. This property is located in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 4.15m x 35.33m.



The owner of the property as per the demolition permit is:

Maria Coutinho  
246 MacNab Street North  
Hamilton, Ontario L8L 1K3

FP/zr

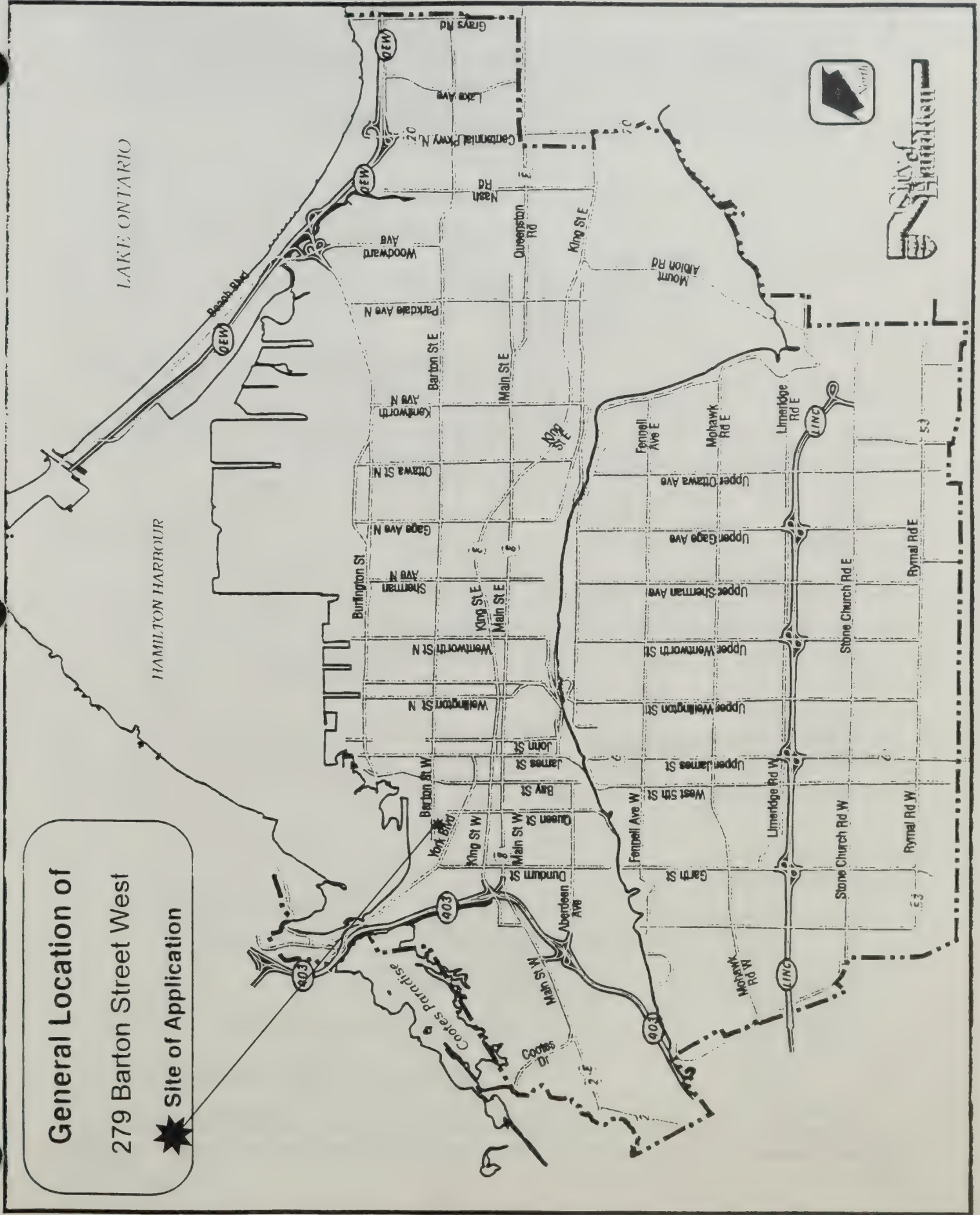
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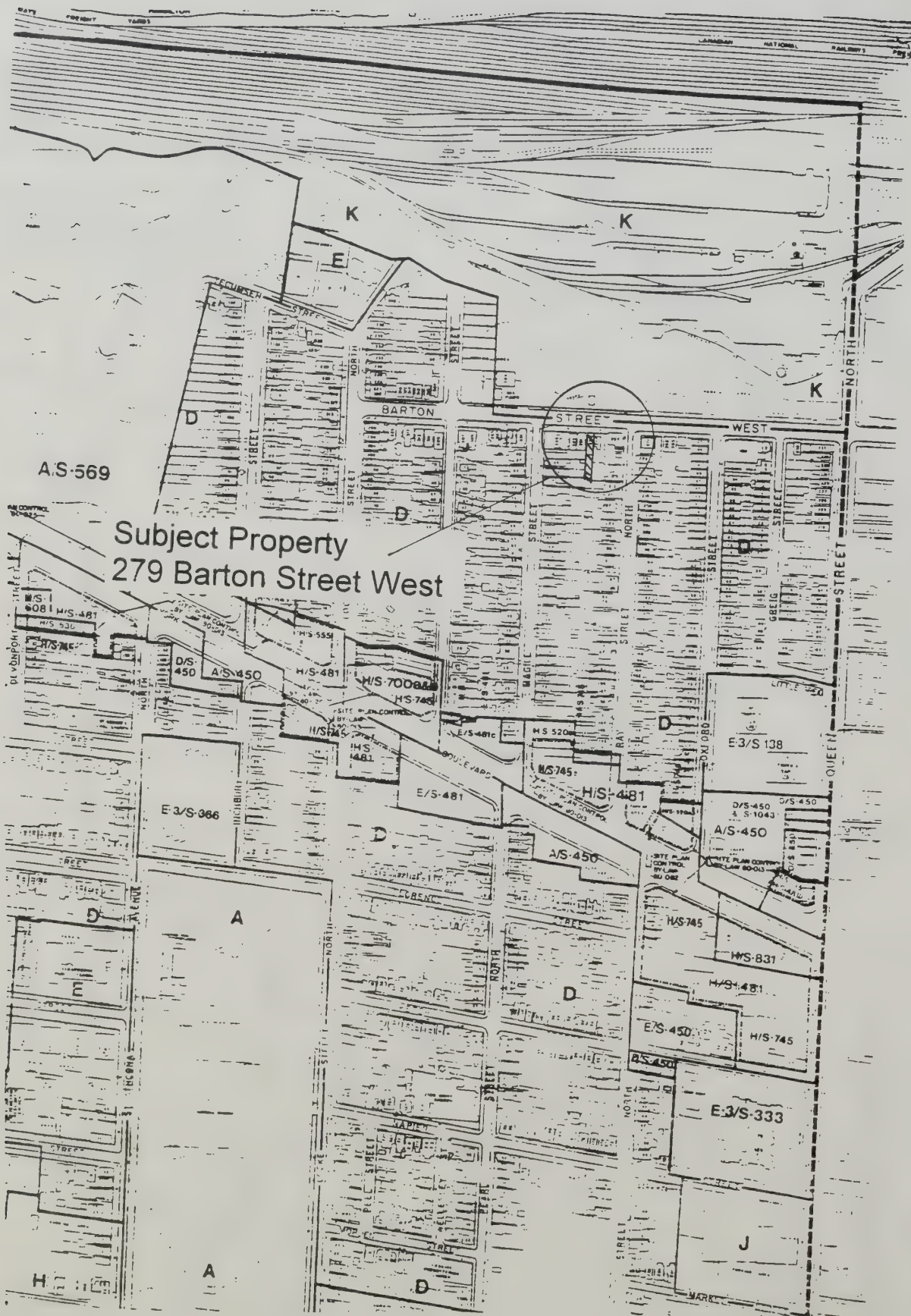
# General Location of

279 Barton Street West

★ Site of Application

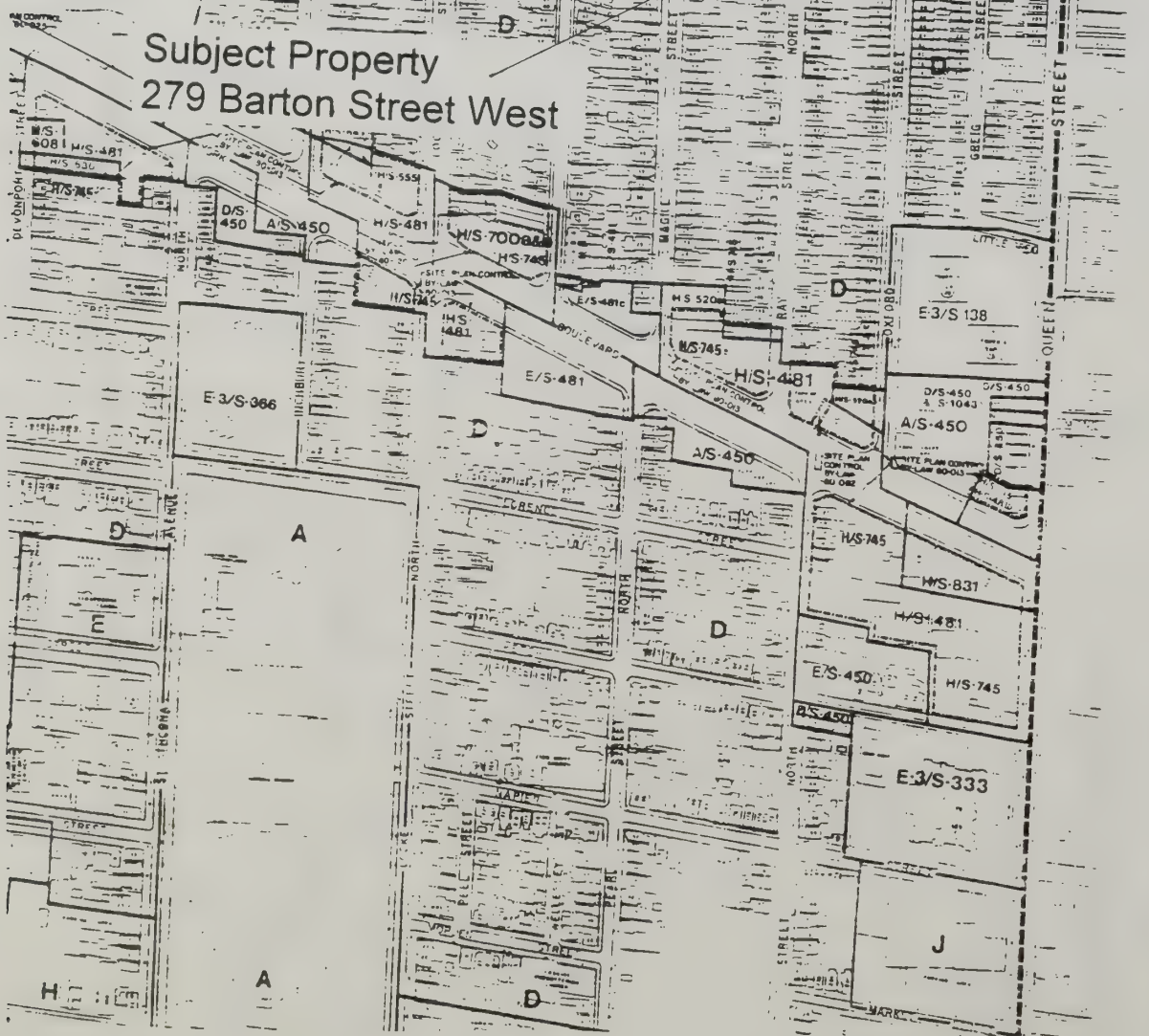






A/S-569

Subject Property  
279 Barton Street West





## CITY OF HAMILTON

**- RECOMMENDATION -**

**DATE:** 9 May, 2000  
(PLC-99-06)  
Jerome Neighbourhood

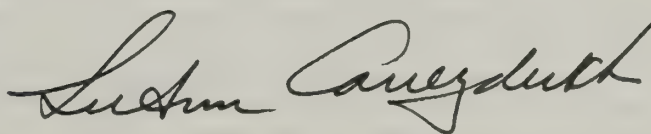
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** LeeAnn Coveyduck  
General Manager, Community Planning and Development Division

**SUBJECT:** Request for Validation Certificate for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 62, 66 and 68, inclusive, Registered Plan 62M-872 "Effort Gardens, Phase 1" (PDC00096)

**RECOMMENDATION:**

- A. That approval be given to the request for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 62, 66 and 68, inclusive, located in "Effort Gardens, Phase 1", Registered Plan 62M-872, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "A"; and,
- B. That the Corporate Counsel be directed and authorized to prepare a by-law to legalize the creation of maintenance easements for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 62, 66 and 68, inclusive, Registered Plan 62M-872 "Effort Gardens, Phase 1".

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

As required by the Planning Act, Council may pass a by-law to recognize the creation of maintenance easements for zero-lot line single family dwellings within a registered plan of



subdivision where said easements were created and the lots conveyed prior to the passage of a by-law to exempt the subject lands from part lot control.

## **BACKGROUND:**

### Part Lot Control Application 99-06

City Council, at its meeting of July 6, 1999, approved Part Lot Control Application 99-06. The purpose of the application was to create maintenance easements for Lots 1 – 16, inclusive, Lots 23 – 28, inclusive, Lots 34 – 42, inclusive, Lots 57 – 68, inclusive, Lots 91 – 117, inclusive, and Block 121, located in "Effort Gardens, Phase 1", Registered Plan 62M-872. The maintenance easements were required for the zero-lot line single family dwellings in accordance with the provisions of the "R-4" District and the City of Hamilton subdivision agreement. However, several lots were conveyed prior to the passage of the implementing part lot control by-law (By-law No. 99-102). As such, the maintenance easements, although shown on the reference plan and described in the deeds for the subject lands, were not properly created. As such, the applicant has requested a validation certificate, pursuant to Section 57 of the Planning Act to "legalize" these property transactions.

### Location

The "Effort Gardens, Phase 1" subdivision is located north of Stone Church Road East, east of Upper James Street and south of Chipman Avenue and fronts onto Theodore Drive, Bridgette Drive and Benjamin Drive, in the Jerome Neighbourhood (see Appendix "A").

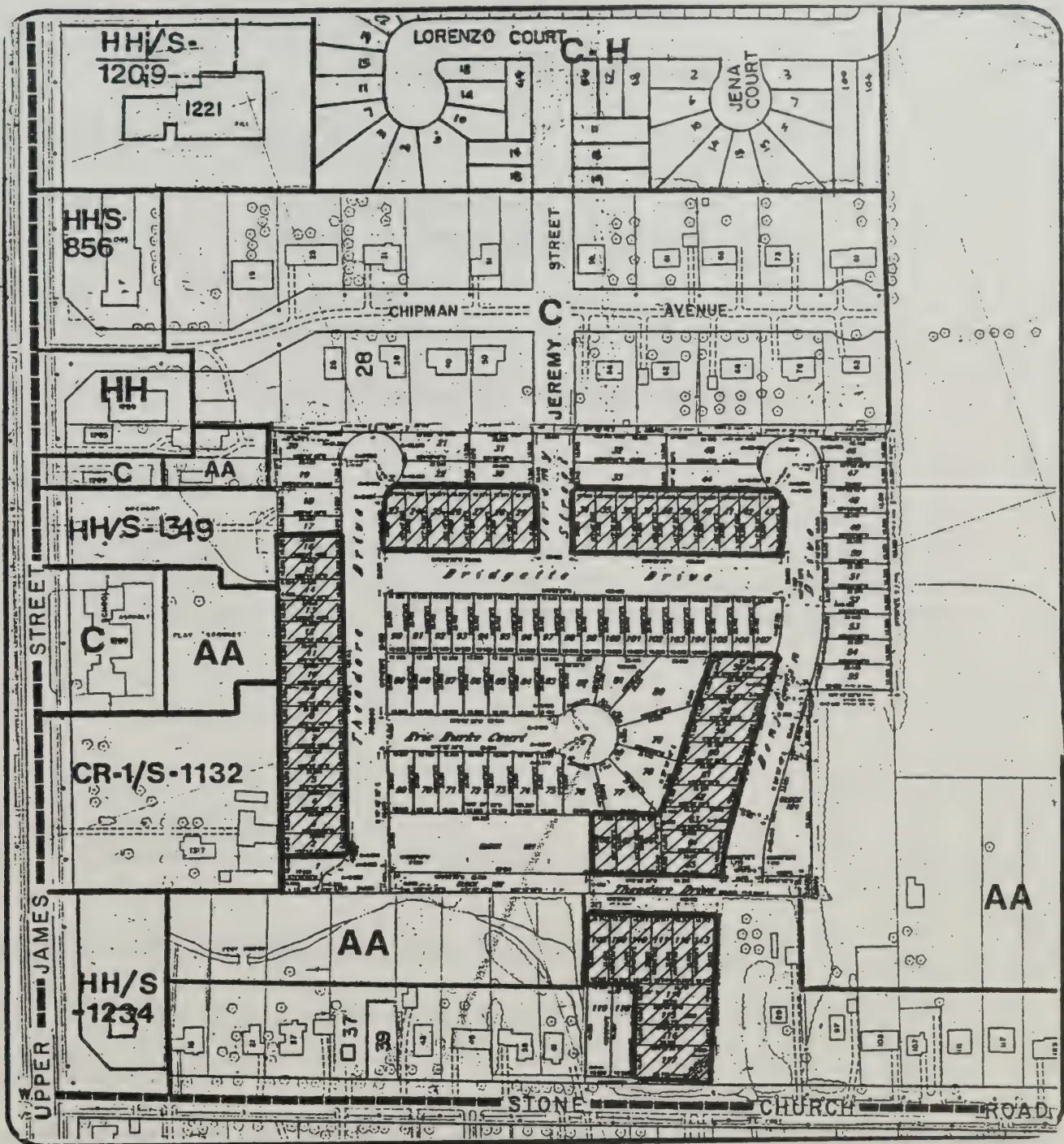
## **COMMENTS:**

1. The Planning Act provides for the issuance of a Validation Certificate whereby the property transactions are "legalized" provided that said transactions comply with the Official Plan and Zoning By-law.
2. The request conforms with the Official Plan and the applicable provisions of the City of Hamilton Zoning By-law No. 6593.
3. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

## **CONCLUSION:**

Based on the foregoing, the request for a Validation Certificate can be supported.





Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

Legend



Subject Lands

Reference file:

**PLC-99-06**

Scale

**Not to Scale**

Date

**June, 1999**

Technician:

**Jsim**

**APPENDIX 'A'**







# CITY OF HAMILTON

4.4

## - RECOMMENDATION -

**DATE:** 2000 May 15

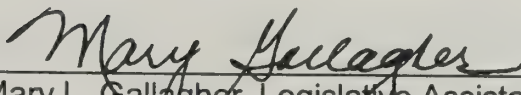
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Mary L. Gallagher  
Legislative Assistant

**SUBJECT:** 2000 Commemorative Plaque (PDC00100)

### RECOMMENDATION:

That LACAC support the recommendation by the Hamilton Historical Board at its meeting held March 14, 2000, that the Crystal Palace grounds be the subject of a 2000 commemorative plaque and that the plaque be erected in a suitable location in Victoria Park.

  
\_\_\_\_\_  
Mary L. Gallagher, Legislative Assistant  
Local Architectural Conservation Advisory Committee

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This report does not require the approval of the Transition Board.

### BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held on May 8, 2000 approved the above noted recommendation. A copy of the report from the Joint Plaques Sub Committee to the Hamilton Historical Board is attached for your information.



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 2000 February 29

**REPORT TO:** Chair and Members  
Hamilton Historical Board

**FROM:** John Johnston, Chair  
Joint Plaquing Sub-committee

**SUBJECT:** Crystal Palace Grounds (CSC00036)

**RECOMMENDATION:**

- a) That approval be given for the Crystal Palace Grounds to be the subject of a 2000 Commemorative plaque; and,
- b) That the plaque be erected in a suitable location in Victoria Park at a future date.

*John Johnston as per M. Havel*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Plaque manufacturing costs are estimated at between \$3,000.-\$3,500. There are sufficient funds in account COHAM 57267 720000.

**BACKGROUND:**

At its meeting of 2 February 2000, the Joint Plaquing Sub-committee selected the Crystal Place grounds as the choice for a Commemorative plaque.

In October 1858, a public meeting was held to discuss the advisability of erecting a permanent building for the display of the agricultural and industrial products of Hamilton and its surrounding communities.

At the meeting, Isaac Buchanan proposed that for the building to be self-sustaining, more land than was immediately necessary for the project was to be purchased. The excess land could then be gradually sold off to cover expenses.

Five years earlier in 1853, a portion of the W. Dickson Survey located between Locke and Dundurn Streets, from King Street West north to York Street, was used to stage the Provincial Exhibition held that year.

It was decided that the building to display the products of the Hamilton area would be called the Crystal Palace. A joint stock was created to build the structure and purchase property previously used for the 1853 Provincial Exhibition.

The Crystal Palace was dedicated on September 20, 1860 by the Prince of Wales during his Royal visit to the Ambitious City. The surrounding property, the Crystal



Palace grounds, would from then on be the site of an annual fall fair, most often referred to as the Great Central fair.

The Crystal Palace grounds would regularly be used for major community events, such as the annual Emancipation Day picnic. A horse track located in the property would be the site of many races.

One of Hamilton's earliest, and longest lasting, baseball diamonds would be located on the Crystal Palace grounds.

The Crystal Palace itself would be the site of numerable community events, such as concerts, dramatic presentations and art displays.

In 1891, due to structural problems, the Crystal Palace was demolished. The surrounding grounds were purchased for public park purposes just before the demolition as there was a possibility that the property would be subdivided for residential lots.

MH/cf

c.c. Allan Ross, General Manager, Finance







# CITY OF HAMILTON

4.5

## RECOMMENDATION

**DATE:** 2000 May 8

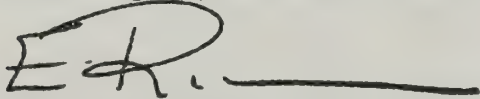
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Dr. Elizabeth Richardson  
Acting General Manager and Medical Officer of Health  
Social and Public Health Services Division

**SUBJECT:** Commercial Property Improvement Loan Program  
544 Concession Street, Hamilton (HSB00008)

### RECOMMENDATION:

That a Commercial Property Improvement Loan in the amount of thirteen thousand, five hundred and seventy-one dollars (\$13,571) to Joseph and Gabrielle Marion for improvements to 544 Concession Street be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program.



Dr. Elizabeth Richardson

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan in the amount of \$13,571 will be funded from the Commercial Property Improvement Loan Program; the uncommitted balance of which is \$574,388.

**Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.**

### BACKGROUND:

The owner of 544 Concession Street has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185, and the necessary repairs have been included in the cost of repairs.



The Concession Street Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

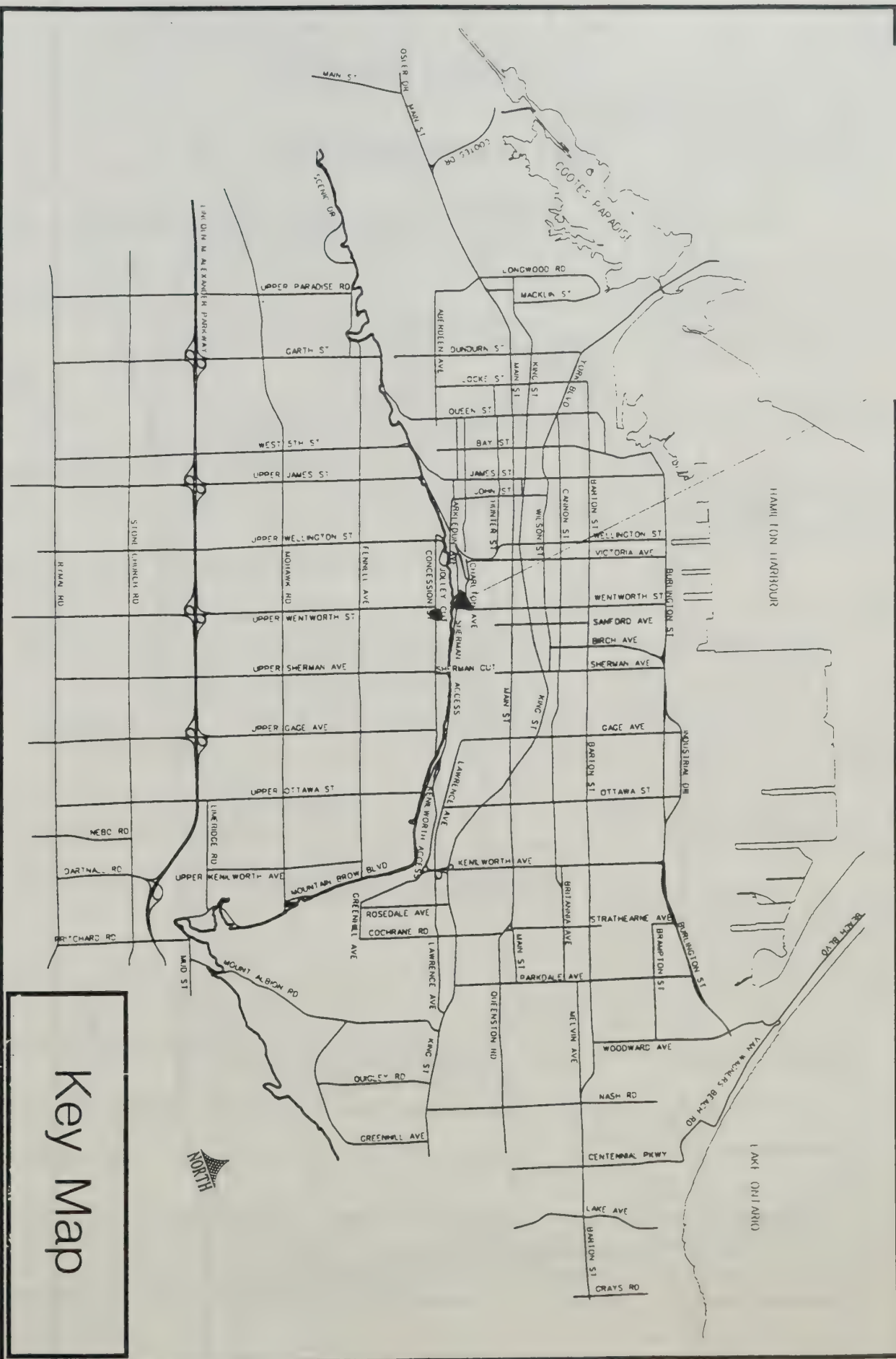
On the basis of the foregoing, staff recommends that a loan be given under the Commercial Property Improvement Loan Program in the amount of \$13,571. The loan will be amortized over a ten-year period at 0 per cent interest. The monthly payments will be \$113.09.

A lien for \$13,571 will be registered on title in second place to a mortgage of \$81,458 in favour of Hamilton Community Credit Union Limited.

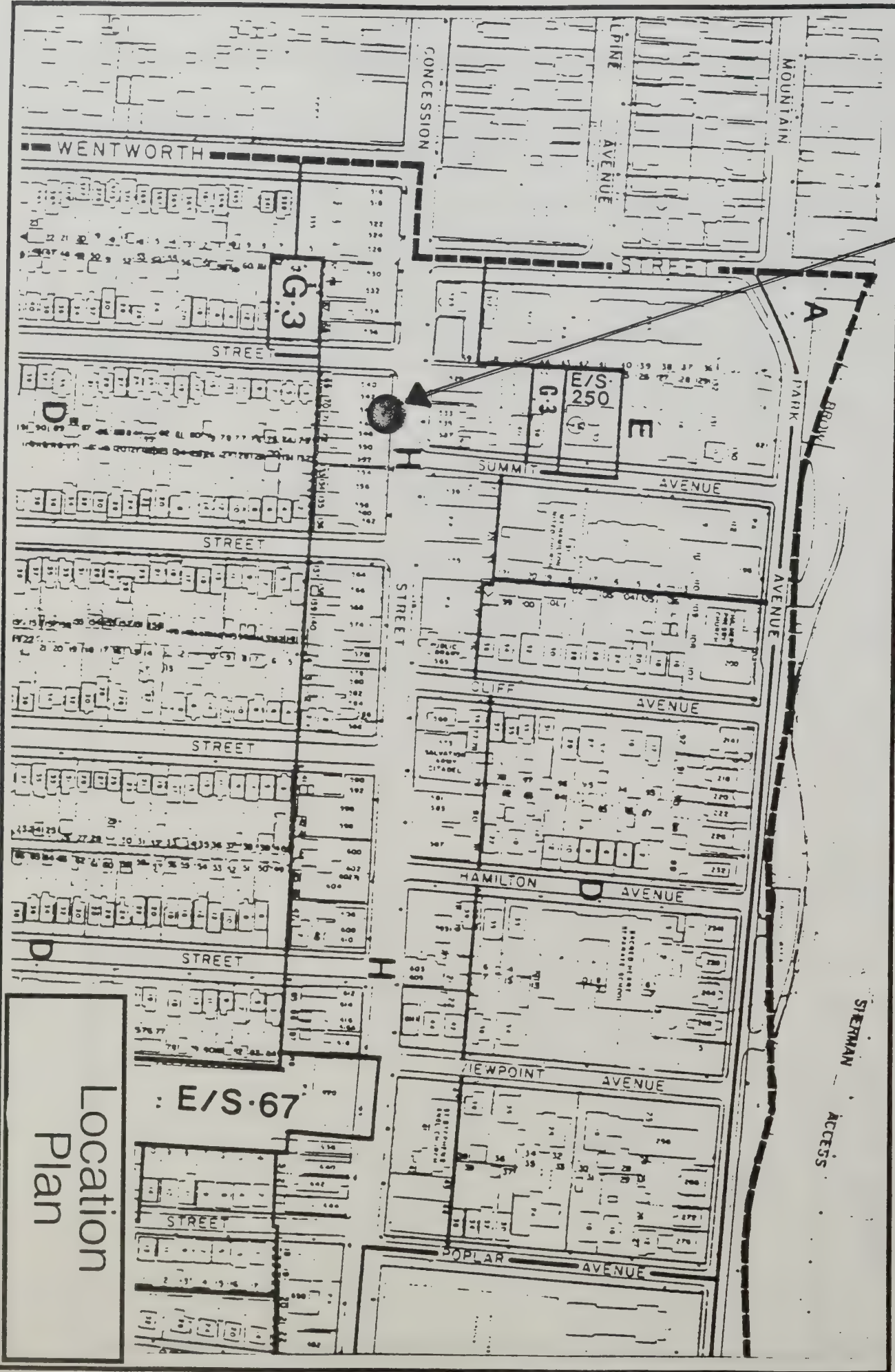
ER/MM/dk

cc                R. Camani, Finance Department  
                    Helen Vastis, Legal Services











4.6

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** April 27, 2000  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Downtown Hamilton Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00098)

### RECOMMENDATION:

- a) That the following individuals be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Eddy Foo                      150 King Street East, Ramada Plaza Hamilton  
Charlotte Fournier      77 King William Street, The Border Bar and Grill

- b) That the following individual be removed from the Downtown Hamilton B.I.A.'s Board of Management:

Reg Titian                      27 John Street North, Reggies' Music and Sound

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The approval of the Transition Board is not required for this report.

### BACKGROUND:

The Downtown Hamilton B.I.A.'s Board of Management at its meeting held April 18, 2000, elected Eddy Foo, Ramada Plaza Hamilton and Charlotte Fournier, The Border Bar and Grill, to its Board of Management. The Board also approved a motion to remove Reg Titian from its Board of Management. The Board's request was based on



**Downtown Hamilton Business Improvement Area (B.I.A.)  
Appointment to the Board of Management (PWT00098)**

the fact that Reg Titian's business is no longer operating and, while he continues to own the building he has not attended Board meetings for a number of months. The Board has attempted to contact Reg Titian, however his phone has been disconnected and mail sent to his address has been sent back to sender.

The Downtown Hamilton B.I.A.'s constitution dictates that its Board of Management will consist of a maximum of 17 members with no fewer than 7 members (not including the Ward Aldermen). The election and removal of the above individuals brings the total number of Board members to 14, not including the Ward Aldermen, therefore is not in contravention to the Downtown Hamilton B.I.A.'s constitution.

c.c. Alderman Horwath, Ward Two  
Carlo Gorni, Executive Director, Downtown Hamilton B.I.A.  
David Beck, Law Department



4.7

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** May 19, 2000

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, attached hereto, be received for information purposes:

- (a) Canadian Mortgage and Housing Corporation re: RRAP extension to June 30, 2000 dated May 11, 2000.
- (b) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North- Implementation of the Wesley Ontario Municipal Board Decision (seventh report) PDC99088F dated May 17, 2000.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.







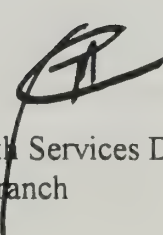


4.7a)  
RECEIVED MAY 15 2000

25 Main St. W, Suite 1000  
P.O. Box 2056 Station "A"  
Hamilton, Ontario  
L8N 3R5

25 rue Main W Porte 1000  
C.P. 2056 Succursale "A"  
Hamilton, Ontario  
L8N 3R5

May 11, 2000

  
City of Hamilton  
Social and Public Health Services Division  
Housing and Shelter Branch  
71 Main Street West  
Hamilton, ON L8P 4Y5

Attention: Mark Mascarenhas, Director of Housing and Shelter

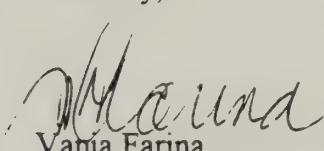
Dear Mark:

**RE: RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM (RRAP)**  
**Your letter dated April 18, 2000; Extension for construction estimates**

Thank you for your letter of April 18, 2000. This is CMHC's confirmation that the deadlines for submission of "acceptable" contractor's estimates for the above programs has been extended to June 30, 2000.

Please note that no further extensions can be granted.

Sincerely,

  
Vania Farina  
New Initiatives Officer  
Ontario Assisted Housing Centre - Hamilton







4.7.6)

## CITY OF HAMILTON

### - INFORMATION -

**DATE:** 2000 May 17  
(ZAC 97-09)

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Ms. Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** 195 Ferguson Avenue North – Implementation of the Wesley OMB  
Decision (seventh report) (PDC 99088F)

#### BACKGROUND:

##### Wesley Community Advisory Committee Meetings

An explanation of the Wesley OMB decision was provided in an Information report dated July 19, 1999. Condition No 8 of the decision required *the Community Advisory Committee (to) report to an appropriate City Council Committee*

This is the eighth report respecting this matter. APPENDIX "A" contains the February 10, 2000 minutes, and APPENDIX "B" contains the March 30, 2000 minutes of the Wesley Advisory Committee meeting.

It is anticipated that future Wesley Community Advisory Committee meetings will be held to discuss some outstanding issues, notwithstanding the current OMB decision appeal to Divisional Court.

JHE

cc. Ald. Andrea Horwath  
Ward 2

John Spolnik  
Building Department

Nancy Smith  
Legal Services

Carmen Bian  
Social Services and Public Health Division



## APPENDIX "A"

### MINUTES OF MEETING FEBRUARY 10, 2000

#### COMMUNITY ADVISORY COMMITTEE – WESLEY URBAN MINISTRIES—EMERGENCY NIGHT TIME DROP-IN PROGRAM

PRESENT:	ORGANIZATION
Sandra Rogers Linda Langston Tosh Namba Doris Anderson & Barbara Laing Joanne Hickey-Evans Councillor Ron Corsini Dan Whaley Carmen Rachelle Bian (non-voting)	Beasley Neighbourhood Association Wesley Urban Ministries\Wesley Community Homes Meridian Co-operative City of Hamilton City of Hamilton Paper Fibres Inc. Social & Public Health Services—Staff Resource
REGRETS:	
Richard Gillespie	Beasley
OBSERVERS (ALL NON-VOTING):	
Heidi Billyard Bonnie McAllister Lindi Barz	Wesley Community Homes Wesley Community Homes Meridian Co-Op

**1) APPROVAL OF THE MINUTES: January 13, 2000**

Moved by Hickey-Evans and seconded by Anderson that the Minutes of January 13, 2000 approved.

**CARRIED.**

**2) PRESENTATION: KEN O'BREEZA, POLICE SERVICES**

Constable O'Breeza was not in attendance. This item will need to be deferred until another meeting.



### **3) UPDATES: WESLEY URBAN MINISTRIES**

Linda Langston reported the following updates:

- ♦ WUM has hired Burns Security to conduct 24 hour security service and they are in the process of installing guard posts to assist with the monitoring of the security guards
- ♦ Applications for funding to assist with a number of structural renovations required under the OMB have been made to both the Region's Community Grants Program and the City of Hamilton's General Grants Program
- ♦ Funding has been received from Human Resources Development Canada to assist with 24 hour operation of the Drop-In Program at WUM and the addition of an employment component
- ♦ Linda Langston announced her resignation as Executive Director at WUM effective February 23, 2000. A replacement will be announced shortly
- ♦ It was noted that the cost of the 24 hour security for WUM is roughly \$99,000 per year, which was not originally budgeted for in 2000

### **WESLEY COMMUNITY HOMES:**

- ♦ The engineering report has now been received. It offers two options with respect to the air conditioning, but costs for this change will be much higher than originally estimated
- ♦ Further work on the structural change involving the entrance to the Centre will wait until a decision has been finalized by the OMB
- ♦ Construction of the smoking area will also be put on hold pending the final decision of the OMB

### **4) OTHER BUSINESS:**

- A.** There was considerable discussion regarding both the newspaper article on February 7, 2000 in the Hamilton Spectator and the subsequent letter to the editor from Dr. Allen on February 9, 2000. There seemed to be general agreement that neither the article nor the letter has assisted the Community Advisory Committee to continue their on-going work to resolve the situation in the neighbourhood.
- B.** Members from Meridian Co-op raised some concerns regarding the validity of testimony given by WUM at the recent OMB hearings in January, 2000. It was requested that several items be noted in the Minutes with respect to this issue. The secretary suggested these issues would be best dealt with by relaying these concerns to the OMB directly rather than recording in the official Minutes of the Community Advisory Committee.



5) NEXT MEETING:

THURSDAY, MARCH 30, 2000  
MERIDIAN CO-OP, 185 FERGUSON AVE N, BOARDROOM  
9:30 TO 12:00 REGRETS ONLY TO CARMEN BIAN @ 546-2187



## APPENDIX "B"

### MINUTES OF MEETING MARCH 30, 2000 (AS AMENDED, APRIL 27, 2000)

#### COMMUNITY ADVISORY COMMITTEE – WESLEY URBAN MINISTRIES—EMERGENCY NIGHT TIME DROP-IN PROGRAM

PRESENT:	ORGANIZATION
Sandra Rogers Matthew Wells Tosh Namba Doris Anderson & Barbara Laing Joanne Hickey-Evans Carmen Rachelle Bian (non-voting)	Beasley Neighbourhood Association Wesley Urban Ministries\Wesley Community Homes Meridian Co-operative City of Hamilton Social & Public Health Services—Staff Resource
REGRETS:	
Richard Gillespie Councillor Ron Corsini	Beasley City of Hamilton
OBSERVERS (ALL NON-VOTING):	
Heidi Billyard Bonnie McAllister Lorna May Lindi Barz Tammy Retzer	Wesley Community Homes Wesley Community Homes Wesley Community Homes Meridian Co-Op Meridian Co-Op

- 1) **APPROVAL OF THE MINUTES: February 10, 2000**  
Moved by Anderson and seconded by Hickey-Evans that the Minutes of February 10, 2000 be approved.

**CARRIED.**

- 2) **BUSINESS ARISING FROM THE MINUTES:**

**A) Media Issues:**

Committee members had an open discussion regarding several of the recent media pieces authored by Dr. Richard Allen. To address these issues, committee members agreed that in the future all media releases or letters pertaining to the Wesley Zoning Issue or the Community Advisory Committee are to be done in consultation with the Community Advisory Committee. Matthew Wells also agreed to relay the concerns of the Community Advisory Committee members to the WUM Board.



## **B) OMB Decision:**

To date, none of the members of the Community Advisory Committee have received the final decision from the OMB.

## **3) UPDATES: WESLEY URBAN MINISTRIES**

Matthew Wells reported the following updates:

- ♦ WUM as everyone else is in a holding pattern without the final OMB decision
- ♦ The Board has moved ahead to secure the architect drawings for the enclosed ventilated smoking area so that they can be ready when a decision is issued
- ♦ Grant applications for funding to assist with the structural expenses have been submitted to both the City of Hamilton and the Region
- ♦ Burns security has been hired and that written instructions for security guards are being finalized
- ♦ Meridian Co-op representatives offered some positive feedback on the security guards, but had several suggestions

**ACTION:** WUM representatives to meet with Meridian Co-op members to review the written instructions for security guards

**ACTION:** WUM is to investigate the posting of a sign at the front entrance of the Drop-in Centre to indicate that loiterers will be moved on

## **WESLEY COMMUNITY HOMES:**

- ♦ At a standstill in many areas due to lack of decision from OMB
- ♦ Property Committee has received a letter from an architect confirming job
- ♦ Tendering processes to begin shortly as well as building permit

## **4) OTHER BUSINESS:**

- A.** Community Relations Policy: Linda Langston was supposed to bring the final version to the Community Advisory Committee, but it has not come to date. Matthew Wells agreed to follow up.
- B.** The WUM representative must bring the Complaints Log to the next meeting.
- C.** Meridian is working on a Business Case for the Emergency Shelter Fund (Province). Heidi Billyard's assistance was requested.
- D.** The group inquired about the status of the garbage cans. Joanne Hickey-Evans will bring the map to the next Community Advisory Committee so that a location can be finalized for the cans.



5) NEXT MEETING:

THURSDAY, APRIL 27, 2000  
MERIDIAN CO-OP, 185 FERGUSON AVE N, BOARDROOM  
9:30 TO 12:00 REGRETS ONLY TO CARMEN BIAN @ 546-2187







CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** May 9, 2000  
DA-99-60  
Bartonville Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

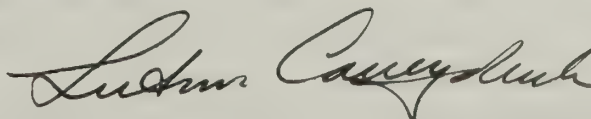
**SUBJECT:**

Site Plan Control Application DA-99-60 for property at 30 Queenston Road and a portion of the adjacent hydro corridor (PDC00092)

**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-99-60 by TDL Group LTD., Lessee, of lands at 30 Queenston Road and a portion of the adjacent hydro corridor for a Tim Horton's Coffee Shop and a drive-thru, as shown on the attached map marked as Appendix "A", subject to the following:

- (i) modification to the plan in relation to notes, dimensions and landscaping as marked in red on the plan;
- (ii) submission of a revised grading plan to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (iii) provision of the appropriate landscape agreement with the City of Hamilton and the Region of Hamilton-Wentworth for landscaping in the Cochrane Road and Queenston Road road allowances; and,
- (iv) inclusion of an acknowledgement clause, in the site plan agreement, stating that should the TDL Group Ltd. lose its legal right to use Ontario Hydro lands, the drive-thru aspect of the development would cease to operate.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**This matter does not require Transition Board approval.**

As required by the Planning Act, Council approval is required for approval of the plans and drawings.



**BACKGROUND:**

Site Plan Control Application DA-99-60 has been submitted for a Tim Horton's coffee shop and drive-thru for the property located at 30 Queenston Road and a portion of the adjacent hydro corridor, as shown on the attached map marked as Appendix "A".

It should be noted that the restaurant itself is proposed on lands owned by 891157 Ontario Inc., while the drive-thru stacking lane, and part of the non required parking spaces and manoeuvring is located on Ontario Hydro lands. Tim Horton's have entered into leases with both parties for a term of 20 years with two (2) five (5) year extensions (30 years total), and both leases contain reciprocal clauses which make them dependent upon each other.

The site including the hydro corridor was formerly used for the storage of vehicles, thus is currently surfaced with asphalt paving over much of its area. As part of the landscape plan the TDL Group proposes to remove the excess asphalt and restore the area to open landscape areas (i.e. south and south west corner of the site).

The details of the development are as follows:

- Net Lot Area (lease Area) - 3,152.0 m<sup>2</sup>
- Gross Floor Area - 261.67 m<sup>2</sup>
- No. of Parking Spaces - twenty-eight (28)
- No. of Drive-thru Stacking Spaces - 12 min.
- Landscape Area - 2,270.50 m<sup>2</sup> (50.6 %)

A landscape treatment consisting of deciduous street trees and an understorey planting of shrubs has been proposed along Queenston Road and Cochrane Road to enhance and screen the parking. Furthermore, a 1.8 m min. to 2.0 m max. high visual barrier are proposed along the southerly and westerly lot lines next to the adjacent residential districts. See Appendix "C" - Site Plan and Appendix "D" - Landscape Plan.

**COMMENTS RECEIVED:**

The following departments and agencies have no comments or objection:

- Bell Canada;
- Union Gas;
- HSR;
- Ontario Hydro; and,
- Trans Northern Pipeline.

The Community Planning and Development Division (Engineering Section) has advised that the revised grading plan requires clarification and modification in accordance to their comments (See Appendix "B"). A revised grading plan should therefore be submitted to the satisfaction of the Director, Land Development Department, Community Planning and Development Division (Development Engineering Section).



The Regional Transportation, Operation and Environment Division, Road Section have reviewed the revised plan and have several comments with respect the development of the lands (See Appendix "B"). Among other requirements, it has been noted that landscaping and trees will be placed within the road allowance. Thus, as a condition of site plan approval the applicant/owner will be required to enter into a landscape agreement with the City of Hamilton and the Region of Hamilton-Wentworth.

The Department of Public Works and Traffic have reviewed the proposed site plan and traffic impact study and have the following comment:

"The study stated that both east and westbound vehicles would access the site directly from Queenston Road. All westbound traffic exiting the site would turn left from Cochrane Road onto Queenston Road. Left turns from Cochrane Road to Queenston Road westbound would operate at a Level of Service "E" - very long traffic delays occur, as the operations approach the capacity of the intersection. Motorists may shortcut through the neighbourhood to avoid these long delays.

The Traffic Impact Study assumed a "Best Case Scenario" as all left turns into the site would occur at the Queenston Road driveway and all exiting westbound traffic would turn left from Cochrane Road onto Queenston Road. In reality, motorists would use both driveways creating longer delays."

Further to their letter of February 15, 2000, the Department of Public Works and Traffic advise the following:

"The revised plan has added 6 additional parking spaces adjacent to Queenston Road access. Vehicles manoeuvring in/out of these spaces will block the Queenston Road access, adding to the congestion and traffic delays. These spaces must be removed.

The applicant should be advised to contact Frank Westway, Chief Noise Control Officer, Department of Public Works and Traffic (905) 546-4207, to review the location of the menu board speaker.

As a condition of Driveway Approach Approval, all abandoned driveway approaches must be removed and the sidewalk and boulevards restored at the expense of the applicant.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Transportation, Operation and Environment Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. A copy of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixture which may affect driveway location i.e. poles, fire hydrants, trees, etc."

The Community Planning and Development Division (Building) has advised the following:

"The site plans dated December 3, 1997 comply so long as:

- 1) The parking spaces in the northwest corner have dimensions of at least 6.0 m x 2.7 m; no width is shown for any parking space.
- 2) The garbage enclosure is not roofed."



**COMMENTS:**

Various modifications are required to the plan in relation to notes, dimensions, and landscaping as marked in red on the plans.

As part of the proposal the applicant has submitted a Traffic Impact Study, prepared by Marshall, Macklin, Monaghan Consulting Engineers dated September 27, 1999 which has been reviewed by the Department of Public Works and Traffic.

The Traffic Department has concluded that access to/from this site will be congested with long traffic delays during the peak am period (i.e. 7:00 am to 9:00 am). However, these delays do not present a traffic safety issue.

As mentioned earlier, the restaurant itself is proposed on lands owned by 891157 Ontario Inc., while the drive-thru stacking lane, and part of the non-required parking spaces and manoeuvring is located on Ontario Hydro lands. Tim Horton's have entered into leases with both parties for a term of 20 years with two (2) five (5) year extensions (30 years total), and both leases contain reciprocal clauses which make them dependent upon each other.

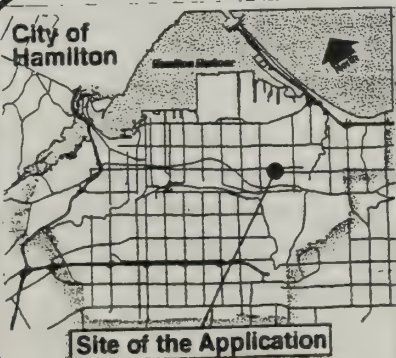
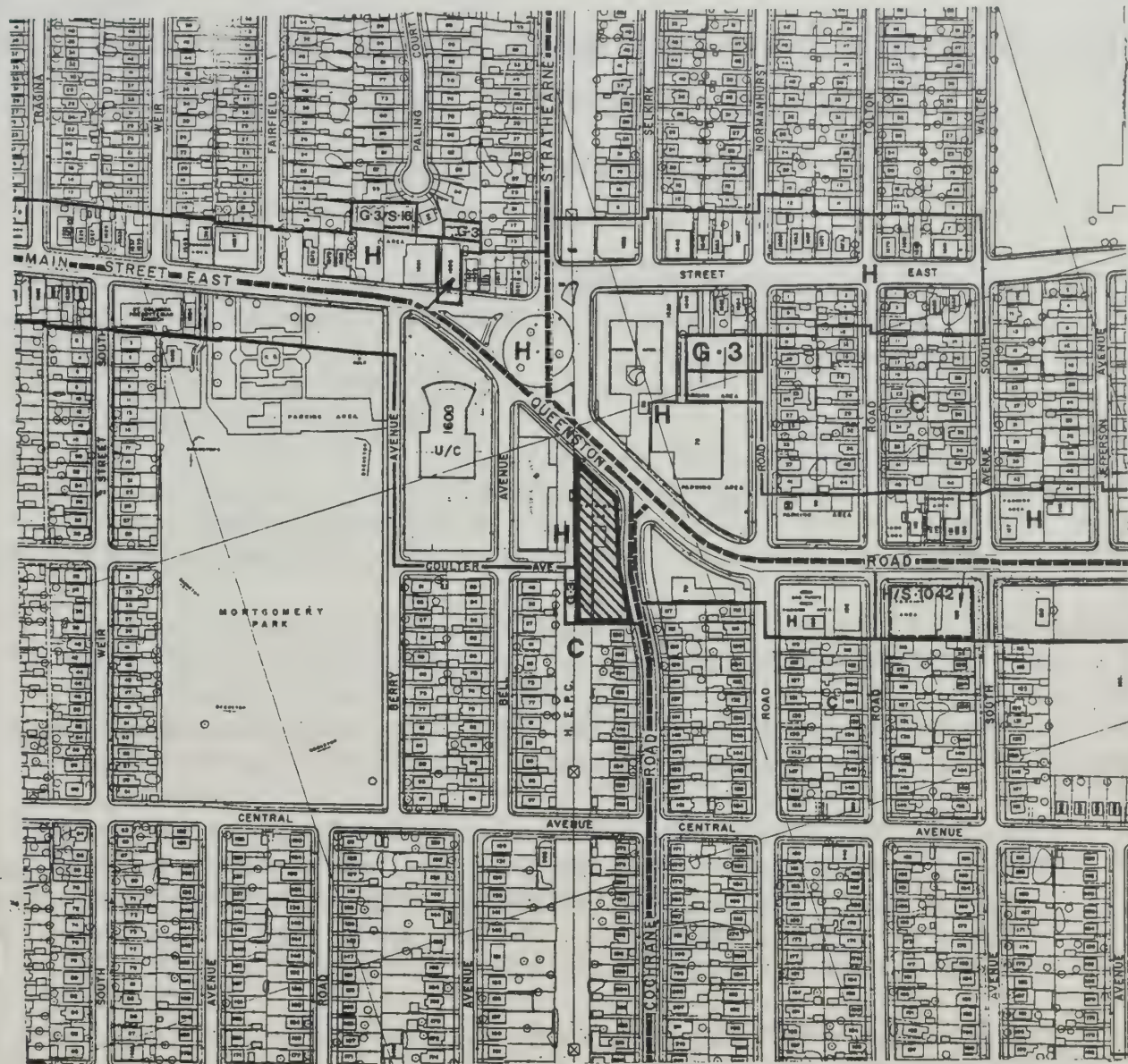
Although, Tim Horton's is proposing this restaurant with a long term vision in mind, they acknowledge that should the Hydro lease be lost in the future then the operation of the drive-thru would not be possible. With this in mind, in order to mitigate any possible future confusion, they have proposed a clause in the site plan agreement acknowledging that Tim Horton's is aware of this ownership issue, and would agree to close the drive-thru aspect of the business should the lease on the Hydro lands not be renewed in the future.

Corporate Counsel for the City of Hamilton and the Region of Hamilton-Wentworth have advised that inclusion of this acknowledgement clause would be an added protection should ownership of the development change or Ontario Hydro's legislated structure change. Even without this acknowledgement, the drive-thru could not legally function absent the Hydro lands.

**CONCLUSION:**

Subject to the above, the proposed development is satisfactory.






COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

 Subject Lands

Reference file:  
**DA-99-60**

Scale  
**Not to Scale**

Date  
**Dec, 1999**

Technician:  
**D.L.**

**APPENDIX A**



MAY 1 2000

P 3L

# Community Planning and Development Division

## Land Development Department

### Memorandum

---

**TO:** P. D. Mallard, M.C.I.P., R.P.P.  
Manager  
Development Planning

**FROM:** C. A. Unelli, C.E.T.  
Development Co-ordinator  
Development Engineering Section

**DATE:** 2000 May 1

**SUBJECT:** Site Plan Control Application DA-99-60  
for 30 Queenston Road

**FILE:** E220-0202

The grading plan submitted dated March 8, 2000 will be approved with respect to grading when the following revisions have been dealt with.

1. The plan submitted indicates that the roof leaders of the proposed building are to discharge overland. This being the case, and in accordance with the Land Drainage By-law No. 80-245, amended by No. 96-137, a Storm Water Management Report prepared by a qualified Engineer must be submitted for our review and approval.
2. Our "Standard Notes" respecting grading plans must be included on the plan. A copy of these notes are attached for your reference.

As Item # 4 under the "General Notes" section on the plan is covered under our "Standard Notes", it should be removed from the plan.

3. Existing/proposed elevations should be provided on the property line at the midpoint of the new accesses onto Queenston Road and Cochrane Street. The accesses should be such that the slope of the access is no more than 3.0 % within the road allowance and 5.0 % within the first 7.5 m on private property. In general private property should not drain onto the road allowance and vice versa.

Cont'd...

APPENDIX 'B'



Site Plan Control Application DA-99-60  
for 30 Queenston Road

Cont'd...

4. The proposed curb along the west property line, specifically adjacent to lot 59, 60 and 61, must not block drainage from these lands. Please review.

A number of elevations along this curb appear to be proposed but are not bracketed as per the legend.

The proposed 0.18 m curb adjacent to the area of the hydro tower will result in a reduced slope within the area, thus causing water to pond or the area to be soggy. Please note that our minimum slope on sodded surfaces is 2.0 %.

The plan indicates that during construction, low points along the proposed curb line are to be identified in the field and 1.0 m wide curb cuts provided as required to ensure drainage towards onsite catch basins. This is acceptable for fine tuning the curb cut locations, however, for approval purposes the site should be reviewed and the approximate location of the curb cut along with its elevation should be indicated on the plan.

5. Portions of the proposed drive thru have slopes which are less than our minimum allowable of 1.0 % for asphalt surfaces.

It should be noted that the above items were previously mentioned in our letter dated February 1, 2000.

Cont'd...



Site Plan Control Application DA-99-60  
for 30 Queenston Road

Cont'd...

Also as per our previous memo the applicant/owner should be advised that permits are required from the Region of Hamilton Wentworth prior to the commencement of any proposed water or sewer servicing works external to the buildings. A copy of the servicing drawings (final design) must be submitted to the Regional Environment Department, for review prior to permit application. A detailed review of the water and sewer system will be carried out at that stage, however, the following items are noted at this time in order to expedite this final approval. Where indicated please include the note on the plan.

#### **General**

1. Note: All services to be installed as per Region of Hamilton – Wentworth specifications manual (latest edition) and Ministry of Environment (MOE) guidelines (latest edition).
2. A standard note on the plan indicates that work within the public R.O.W. shall be performed by the owner contractor;..... to the satisfaction of the City and/or Region". It should be noted that in order to perform work within the road allowance the contractor must be bonded with the Region.
3. Under Item # 4, "Site Works" it should be indicated that granular "A" is to be used.

#### **Water**

1. Item # 4 under the water servicing notes should be modified to reflect the following "Water service bedding, cover and backfill to be as per RWS-500 with granular "D" bedding and cover."
2. Note: Minimum horizontal separation between sewer and watermain to be 2.5 m. Minimum vertical separation to be 0.15 m when the watermain passes over a sewer and 0.50 m when it passes under a sewer.

The plan does not show the minimum 2.5 m horizontal separation.

Cont'd...



Site Plan Control Application DA-99-60  
for 30 Queenston Road

Cont'd...

3. The proposed curb stop must be installed at the property line but entirely within the road allowance.
4. A water meter as per RWS - 710 must be installed at the service point of entry to the building. Please indicate the size of the water meter and the standard on the plan.

#### **Sewer**

1. Under item # 2, "Sanitary Sewers", it should be indicated that granular "A" is to be used for both bedding and cover.
2. The proposed sanitary maintenance hole must be located entirely on private property.

The following comments were received from the Regional Transportation, Operations and Environment Division, Roads Section.

We have reviewed the 2<sup>nd</sup> submission of the above application received in our Office on March 28, 2000. It is unclear whether all of them have been addressed and therefore some of them may be repeated:

1. It appears from the plans submitted that lands owned by the Hydro Utility are being used for access and parking. It is imperative that comments be received from their Office with respect to setbacks from the Tower, protection around the base of the Tower to eliminate vehicle encroachments in this area, etc. We also note that the building will require the relocation of buried hydro cable and that hydro poles will have to be relocated. All these works must be done to the satisfaction of Hydro and the approval of these plans depends on successfully entering into appropriate agreements, etc. with Hydro.

Cont'd...



Site Plan Control Application DA-99-60  
for 30 Queenston Road

Cont'd...

2. Since the construction of this work is also adjacent to and on top of a major gas pipeline, it is imperative that comments from the gas Utility be considered in the approval of these plans.

The status and requirements of the easement as set out in Instrument No. 284641 should also be determined.

3. It would appear that the entire road allowance of Cochrane Road and Queenston Road is currently paved from the property line to the back of the municipal sidewalks. We also understand that landscaping areas will be provided adjacent to the road allowances on private property and on the road allowances.

In order for this landscape affect to be continuous we recommend that the paving within the road allowance from the back of the municipal sidewalk to the property be replaced with sod to the satisfaction of the Forestry Section of our Division.

The revised plans also indicate that landscaping and trees will placed within the road allowances. This landscape plan must be sent to and approved by the Forestry Section of our Division. We recommend that any trees within the road allowance, if approved, be of the deciduous high canopy type and that the trunks of the trees are setback 3.5 to 4.0m from edge of curb on the adjacent streets. We also require that the applicant/owner contact all the respective Utilities to ensure that the trees and root system and landscaping do not adversely affect their facilities.

Please note that the landscaping within the adjacent road allowances requires an Encroachment Agreement with the City of Hamilton and the Region and that, if approved, the landscaping remains at the pleasure of Council. In other words, this landscaping should not be used to replace the normal landscaping requirements on private property.

3. We require 5 m by 5 m visibility triangles on private property between the accesses and the road allowance limits in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.60 m above the corresponding perpendicular elevation of the adjacent streets.

Cont'd...



Site Plan Control Application DA-99-60  
for 30 Queenston Road

Cont'd...

4. Any fencing, objects or mature vegetation within the area of the intersection limits of Cochrane Road and Queenston Road, as shown on the attached plan, cannot exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Queenston Road. Comments from the Building Department with respect to the zoning requirements for fences at intersections should also be considered.

No portion of the proposed sign, footings, lighting, etc. is permitted to encroach into the Queenston Road road allowance.

5. We do not have a survey plan of the property and are unable to determine from the site plans what the status of the "Part of Road Allowance between Concessions 2 and 3" is. Please have the owner review this matter accordingly.
6. Prior to any works within the adjacent road allowances we require that the applicant/owner contact all the respective Utilities including the Trans Northern Pipeline, Ontario Hydro, etc. This is required to ensure all their setback requirements are met and to ensure that the vertical and horizontal cover and vertical clearances to their facilities meets their requirements.
7. According to plans submitted by the applicant/owner there is a hedge encroachment within the Cochrane Road road allowance. This encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.
8. We recommend that any fences be set back a minimum of 3.0 m from the road allowance limits and that the plans be revised accordingly.
9. Any other works within the adjacent road allowances must conform to the respective Streets By-laws.
10. We understand that the Traffic Section will be modifying the parking area at the access location to Queenston Road.

Cont'd...



- Page 7 -  
May 1, 2000

Site Plan Control Application DA-99-60  
for 30 Queenston Road

Cont'd...

11. We recommend that any siltation fencing within the visibility triangle areas and the within 9.0 m of the intersection of Cochrane Road and Queenston Road be no higher than 0.60 m above the centreline elevations of the adjacent streets.
12. We recommend that any new manholes for servicing be placed entirely on private property only and not the road allowance.
13. Prior to digging any bore holes within the road allowance, the applicant/owner must obtain a Road Cut Permit from this Office. The permit fee is \$200.00 and a letter of explanation and a plan outlining the work area must be attached. The applicant/owner must also provide a Certificate of Insurance naming the Region of Hamilton-Wentworth and the City of Hamilton as insured. Please call Carlo Pacella of this Office at 546-2052 for further information on this matter.

If there are any queries with respect to the Roads Section comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to any grading or servicing questions.



Charles A. Unelli, C.E.T.  
Development Co-ordinator

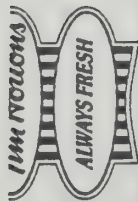
DWW:HG:dww  
Attach.



## NOTES ON GRADING PLAN

- (1) Any changes in grades and catch basins require the approval of the Director, Community Planning and Development Division.
- (2) All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10 % maximum grades.
- (3) The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
  - Road cut permits
  - Sewer permits
  - Approach approval permits
  - Relocation of services
  - Committee of Adjustment
  - Encroachment agreements (if required)





**Tim Hortons**

OPERATED BY THE T.H. GROUP LTD.  
874 SHEARER ROAD  
CANADA L8K-2Y1  
TEL: (905) 945-5511  
CIVIL DEPARTMENT FAX: (905) 845-5551

NOTES:  
1. DIMENSIONS SHOWN ARE EXCEPT FOR CONFORMANCE  
TO LOCAL, PROVINCIAL, AND STATE BUILDING CODES.  
2. THE CONTRACTOR SHALL ENSURE THAT THESE DIMENSIONS  
ARE MAINTAINED THROUGHOUT THE CONSTRUCTION OF THE  
BUILDING AND ALL UTILITIES, INCLUDING, BUT NOT LIMITED TO,  
SEWER, WATER, GAS, AND ELECTRICAL, ARE PROTECTED AND  
REPAIRED AS REQUIRED.  
3. THESE DRAWINGS SHOULD NOT BE SCALED.

REVISIONS	NO.	DATE	DESCRIPTION
1	01/01/98		REVISED PER CITY COMMENTS
2	01/01/98		REVISED PER CITY COMMENTS
3	01/01/98		REVISED PER CITY COMMENTS
4	01/01/98		REVISED PER CITY COMMENTS
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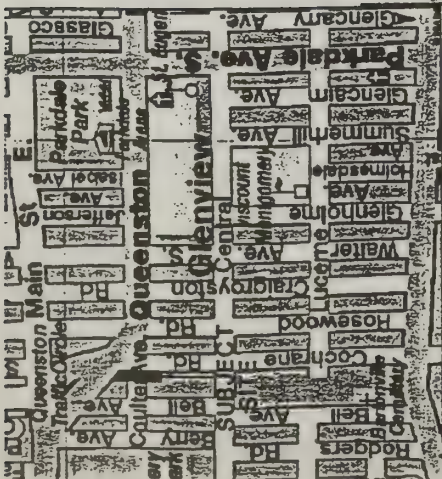
HAMILTON, ONT.  
QUEENSTON ROAD  
COCHRANE ROAD

Appendix "C"

SITE PLAN

DRAWN BY	JJ	CITY OF	BY
DATE	DEC. 3, 1997		
SCALE	1:300		
PROJECT NO.	H10016/PROP/88/10		
DWG. NO.	SP-1e		

6/03/0



KEY PLAN

COULTER AVENUE

QUEENSTON ROAD

COCHRANE ROAD

DETAILS OF DEVELOPMENT

NET LEASE AREA sq. m.	3152.0 sq. m.
BUILDING COVERAGE	8.3 %
BUILDING HEIGHT	5.05 m.
GROSS FLOOR AREA	261.67 sq. m.
No. of UNITS	1
DT STACKING	12
LANDSCAPED AREA	
PARKING:	9 REQUIRED 37 PROVIDED
OTHER:	

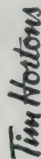
GENERAL NOTES & SPECIFICATIONS:

1. BASE INFORMATION SUPPLIED BY T.H. AND TO BE USED IN CONNECTION WITH OTHER RELATED INFORMATION.
2. CONTRACTOR TO MAKE SURE ALL DIMENSIONS AND ALL RELATED SPECIFICATIONS ARE CORRECT AND TO BE USED AS GUIDELINES FOR THE SITE PLAN AND OTHER INFORMATION.
3. CONTRACTOR TO MAKE SURE ALL DIMENSIONS AND ALL RELATED SPECIFICATIONS ARE CORRECT AND TO BE USED AS GUIDELINES FOR THE SITE PLAN AND OTHER INFORMATION.
4. REPORT ALL CORRECTIONS TO THE DESIGN ENGINEER OR T.H. CONSTRUCTION, DESIGN ENGINEER, BEFORE PROCEEDING WITH THE CONSTRUCTION.
5. ANY EXTRA WORK PROVIDED AS A RESULT OF ANY ERRORS OR OMISSIONS ON THE DRAWINGS WILL BE AT THE CONTRACTOR'S EXPENSE.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL VARIATIONS TO THE ORIGINAL DESIGN AND FOR THE COST OF ANY CORRECTIONS TO THE ORIGINAL DESIGN.
7. ALL WORKMANSHIP TO BE SUFFICIENT FOR ONE YEAR UNLESS OTHERWISE STATED.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE AND FOR THE REPAIR OF ANY DAMAGE TO THE SAME.
9. ALL UTILITIES TO BE PROTECTED AND REPAIRED AS REQUIRED.

LEGEND

- PROPERTY LINE
- - - EXISTING CURBING
- - - PROP. CONCRETE CURBING
- - - SETBACK LINE(S)





1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218

[illegible]

ONLY STAMP

NO.	DATE	DESCRIPTION	APP'D.
0	07/03/00	NEW SPS PLAN/NUMBER	
0	23/01/00	PLANING SERVICES	
0	11/11/99	NEW SPS PLAN/NUMBER	X

**Terrascape Designs**

55 Wente Road,  
Mississauga, On. L5C 1B6  
E-mail: [1c19pc@951pharms.com](mailto:1c19pc@951pharms.com)  
Fax: 905-274-8851 1c19pc

SUBJECT:

HAMILTON, ONTARIO

COCHRANE ROAD  
QUEENSTON ROAD

PROJECT NAME

STORE No.:X

## Appendix "D"

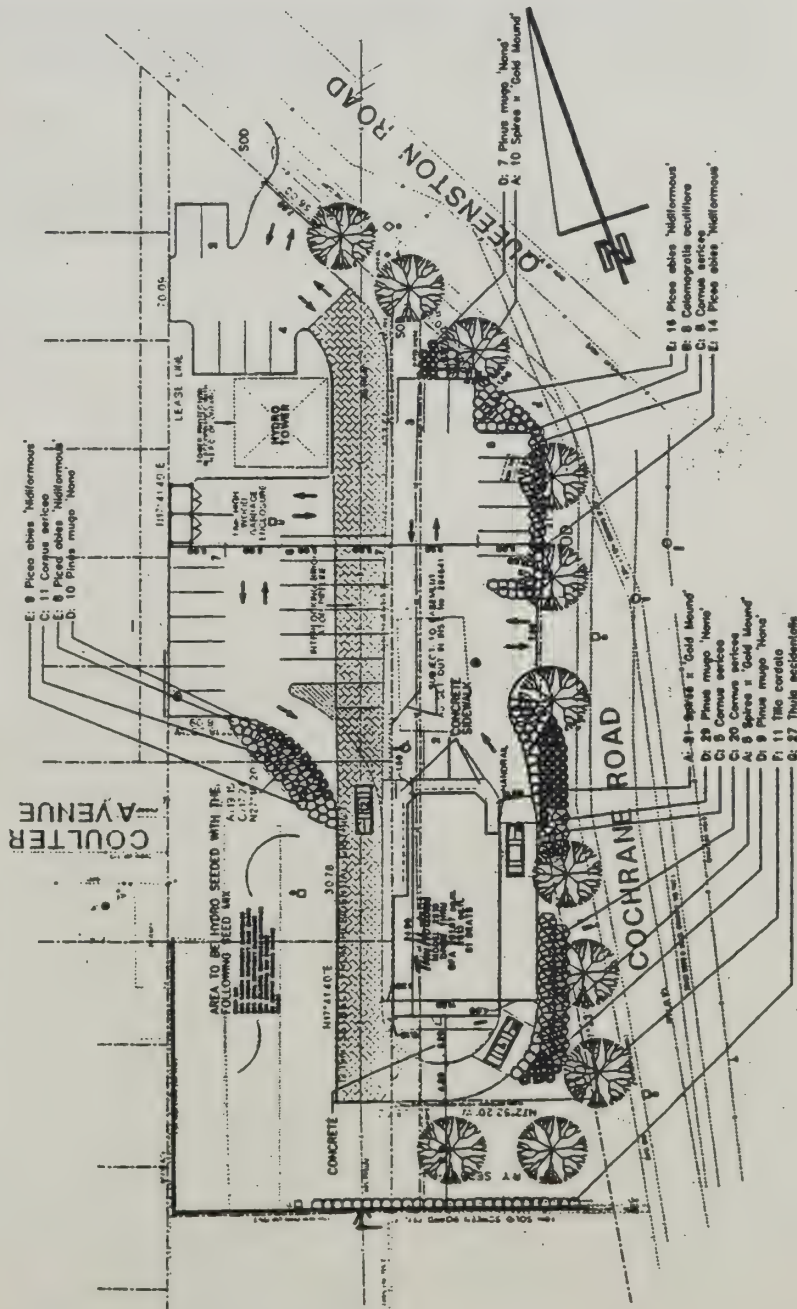
SCALE 1:400

THE UNIVERSITY OF CHICAGO

**THE UNIVERSITY OF MICHIGAN**

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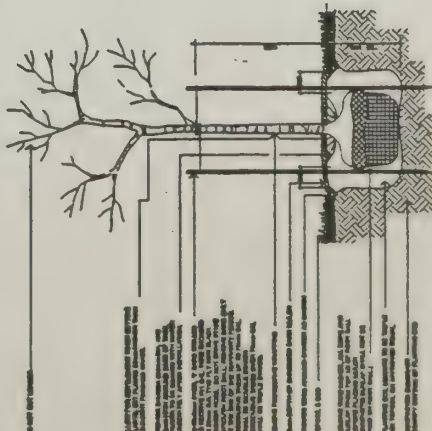
LP- 1 of 1



PLANT LIST				
ITEM	BOTANICAL NAME	SIZE	QTY.	REMARKS
A	Sperma "Gold Mound"	40cm	36	2 gallon/7 pot
B	Clematis integrifolia	40cm	8	2 gallon/7 pot
C	Cornus solida	100cm	44	5 gallon/1 pot
D	Prunus mugo "Mun"	40cm	86	3 gallon/7 pot
E	Prunus alba "Goldkornes"	40cm	47	3 gallon/7 pot
F	Prunus mugo "Mun"	40cm	11	W.B.
G	Thalic occidentale	125cm	27	5 gallon/7 pot
MUST BE CONTAINED ORIGINAL. CHECKED ALL BEING WITHIN				

[illegible]

STANDARD DETAIL  
SHRUB PLANTING DETAIL  
N.T.S.



STANDARD DETAIL  
DECIDUOUS TREE DETAIL  
N.T.S.

STANDARD DETAIL  
CONCRETE PAVING STONE DETAIL  
N.T.S.







Agnello, Tina

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From: Bruce Hoppe [hoppe\_bruce@timhortons.com]  
Sent: May 9, 2000 4:16 PM  
To: Tagnello@city.hamilton.on.ca  
Subject: 30 Queenston Road, DA-99-60

5.1

Chairperson and Members, Planning and Development Committee:

I understand that the above noted application is tentatively scheduled for consideration at the May 24, 2000 Planning and Development Committee. I wish to advise that myself and members of our development team will be available at the meeting to address any questions which may arise.

We look forward to the opportunity of presenting the merits of our plan. Should you have any questions in the interim, please feel free to contact my via email or by phone at (905) 339-5658.

Regards,

Bruce Hoppe, MCIP, RPP  
Project Manager, Planning and Development  
The TDL Group Ltd.







**CITY OF HAMILTON****- INFORMATION -**

**DATE:** 2000 May 19

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** 14 BELVIDERE AVENUE  
(PDC 00103)

**BACKGROUND:**

In 1983, City Council designated the historic stone house at 14 Belvidere Avenue, Hamilton, known as Bellevue, pursuant to the provisions of the Ontario Heritage Act, primarily for its outstanding architectural value. Bellevue is a "sister" house to Whitehern with the same basic appearance and size, constructed by the same builders at the same time (late 1840s).

On October 14, 1997, the owner applied for a demolition permit to demolish the historic building, and City Council at its meeting held December 11, 1997, imposed the 180-day delay of demolition in accordance with the provisions of Section 34 of the Ontario Heritage Act, 1999, as amended.

Following the expiration of the 180-day delay of demolition, a Demolition Permit could still not be issued until the owner complied with the requirements of Bill Pr140 which prescribe that a Demolition Permit cannot be issued for any property in the City of Hamilton, which is designated under the Ontario Heritage Act, until plans for a replacement building have been submitted and a Building Permit has been issued by the Building Department.

On June 30, 1999, a Building Permit Application was submitted by the owner to erect a new two-storey frame house (1280 square feet) on the site. The Building Permit was issued on July 23, 1999; however, the provisions of Bill Pr140, state that the new house must be built within two years of the commencement of the demolition of the historic building or an extended period as approved by City Council. If the owner fails to substantially complete the new house within the two-year or extended building period, he is subject to, upon conviction, a fine of not more than \$1,000,000 or imprisonment for a term of not more than one year or both.

January 4, 2000 Mr. Sellens applied for an extension to the Demolition Permit which was due to expire on January 23, 2000. This Department granted a three-month extension to the demolition permit and the permit was due to expire on April 23, 2000.



April 20, 2000 Mr. Sellens applied for a second extension to the Demolition Permit application as Mr. Sellens has indicated that he is in the process of making an application to City Council for relief from the time restrictions as stated in Section 4(1) of Bill Pr140. This Department granted a final 60-day extension to Mr. Sellens and advised that this would be the final extension and that the Demolition Permit would not expire until July 1, 2000.

JS/FP/zr





# COMMUNITY PLANNING & DEVELOPMENT (Building)

71 Main Street West, Hamilton, Ontario L8N 3T4

Telephone (905) 546-2720 / Fax (905) 546-2764

City of  
HAMILTON

ATTENTION OF: Frank Peter

TELEPHONE NO: (905) 546-2781

May 01, 2000

CLAIR SELLENS C/O WHEELING WORLD LIMITED  
140 KING ST. E  
HAMILTONON L8N 1B2

Dear Mr. Sellens:

**RE: Request for Extension to Building Permit No. 97-007645-00 DP**  
**14 BELVIDERE AVE. (Single Family Dwelling - Demolish Sgle. Fam.)**

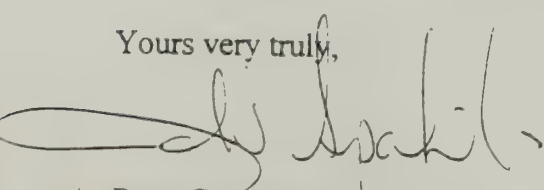
This department has received your letter dated April 20, 2000 requesting a second extension of one hundred and twenty (120) days to the above noted demolition permit which was due to expire on April 23, 2000.

Please be advised that this department is unable to grant a one hundred and twenty (120) day extension, however, a sixty (60) day extension has been approved and Building Permit No. 97-007645-00 DP will not expire prior to July 1, 2000. This extension is granted to allow you an opportunity to pursue relief from the time restriction as stated in Section 4(1) of Bill Pr140. Please note that there will be no further extension granted by this department and that failure to commence the demolition of the single family dwelling by July 1, 2000 will result in the demolition permit being revoked by this department.

Please be further advised that upon revocation of the permit, this department will commence enforcement of the Property Standards By-law. This enforcement may require at minimum more permanent measures of securing the premises (ie. Concrete block at all ground and first floor openings and boarding of all other openings).

I trust that this information will be of assistance to you.

Yours very truly,

  
Peter C. Lampman, P. Eng.  
Acting Building Commissioner

 PCL/fp

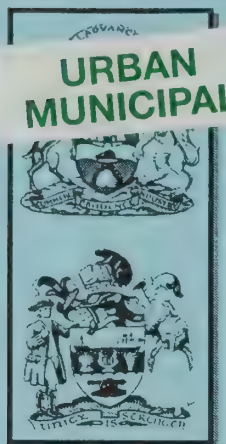






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# AGENDA

## CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Tuesday May 30, 2000  
6:30 p.m.  
Room 233, Hamilton City Hall  
71 Main Street West, Hamilton

Tina Agnello  
Legislative Assistant

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### CALL TO ORDER

#### 1. DECLARATIONS OF INTEREST

#### 2. DISCUSSION AGENDA

2.1 Demolition of 14 Belvidere Avenue (no copy)

2.2 Request for a Change in Zoning- 1489-1523 Upper James St. (ZAC-00-13)(PDC00093) (no copy)

2.2.1 Submission: Dicenzo & Associates

#### 3. ADJOURNMENT

Dinner will be served in Room 264 at 6:00 p.m.







2.2.1

DICENZO & ASSOCIATES  
LAWYERS

**BY FAX (905) 546-4202**  
(Original by Ordinary Mail)

May 26, 2000

Mr. Paul Mallard  
Manager, Development Planning  
Community Planning and Development Division  
Planning Department  
The Corporation of the City of Hamilton  
71 Main Street West  
7<sup>th</sup> Floor  
Hamilton, Ontario  
L8N 3T4

Dear Mr. Mallard:

**Re:    *Zoning Application ZAC-00-13***  
      •    ***1489-1523 Upper James Street***

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As you are aware, we act on behalf of Di Cenzo Construction Company Limited in respect of the above-captioned matter. Our client is the owner of the lands abutting the subject property along the easterly boundary thereof.

Further to the writer's attendance before the Planning and Development Committee (the "Committee") on May 24, 2000, we wish to confirm that our client does not object to the subject application subject to the 9.1 meter (30 foot) landscaped planting strip being provided and maintained along the rear lot line of the property (as recommended by Staff and as required by the existing zoning by-law). Our client considers this planting strip essential in maintaining an adequate buffer between the uses proposed by the applicant on the subject site and the residential uses designated on our client's lands.

Our client further supports all other recommendations of Staff in this matter as set out in the report of Ms. Lee Ann Coveyduck dated May 9, 2000.

As the applicant's outstanding appeal before the Ontario Municipal Board in respect of its application before the Committee of Adjustment appeared to be a consideration in the deliberations of the Committee members, we should also perhaps confirm that it is our client's intention to appeal any re-zoning of the subject lands which does not preserve the contemplated 9.1 meter landscaped planting strip.

In the event that the proposed re-zoning is approved, it is further our client's position that the site







## DICENZO &amp; ASSOCIATES

2.

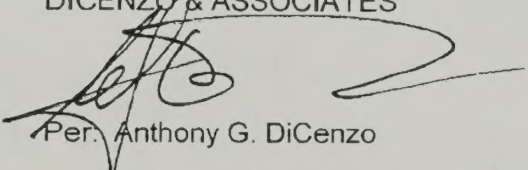
plan approval process should ensure that the landscaped strip be the subject of intensive plantings and, as identified before Committee, that a berm be included in such landscaping for the purposes of elevating the required privacy fence in order to further shelter the commercial uses on the subject property from the residential uses on our client's lands. In this regard, we would assume that a significant portion of the landscaping within the planting strip will be visible from the future Di Cenzo Drive and will not be hidden behind the privacy fence. We caution you that the placement of the fence too close to DiCenzo Drive might allow the applicant to use the landscaping strip behind the fence in a manner inconsistent with the approved zoning. Mechanisms should also be put in place in order to ensure that the applicant maintains the planting strip in an appropriate manner.

We are forwarding a copy of this letter to the Secretary of the Committee with a further request that she ensure that our client be included in any future mailings and notices pertaining to the subject lands and any applications pertaining thereto.

Should you have any questions or comments, or require anything further, please do not hesitate to call.

Yours very truly,

DICENZO & ASSOCIATES



Per. Anthony G. DiCenzo

AGD/bv  
Encl.

cc. Ms. Tina Agnello, Secretary (by fax only)

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